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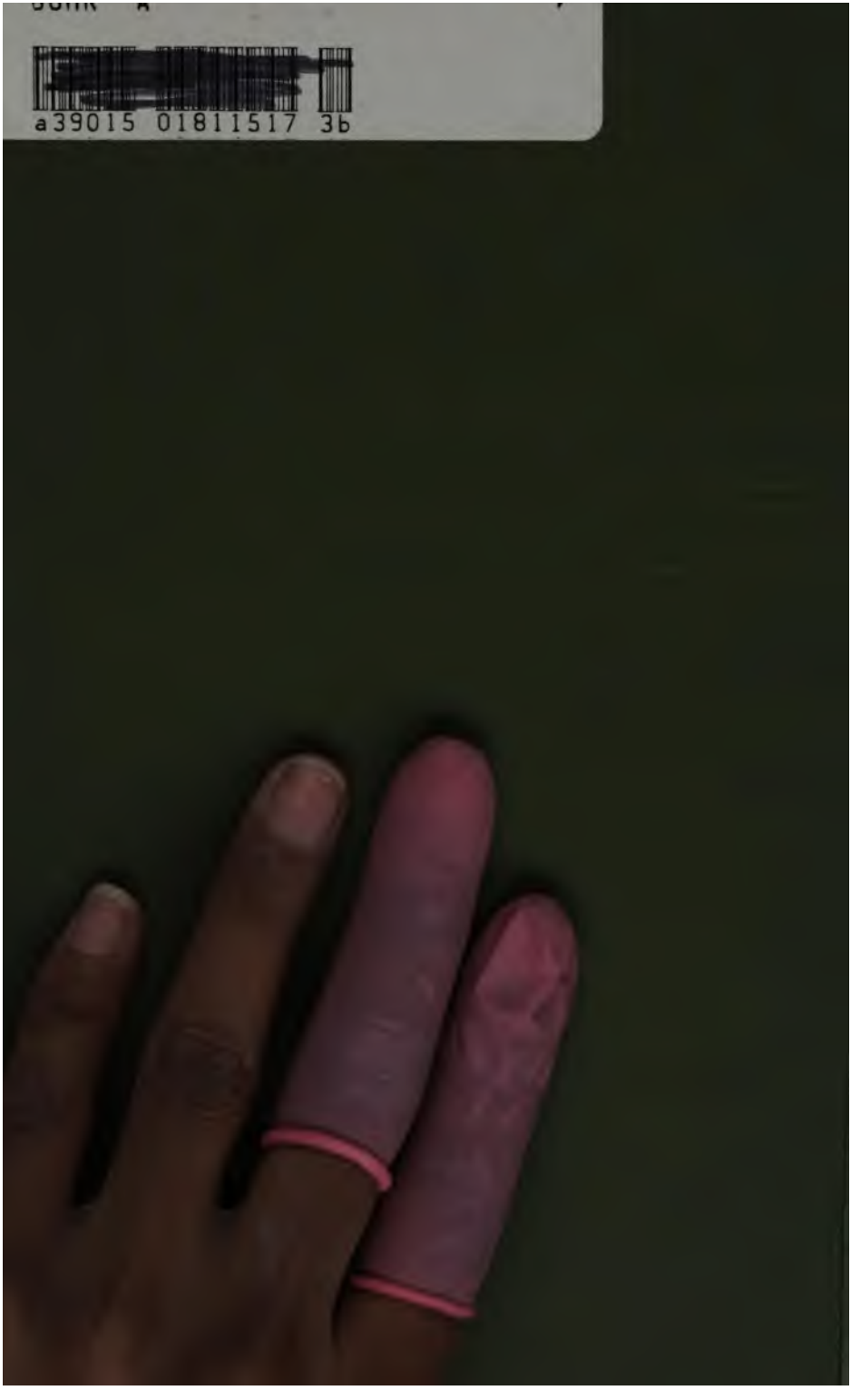

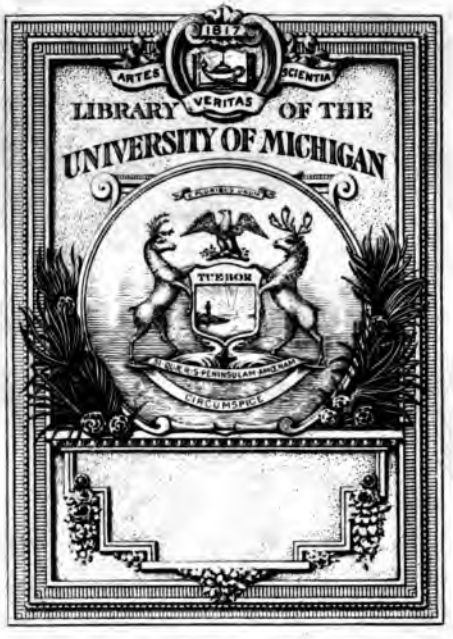
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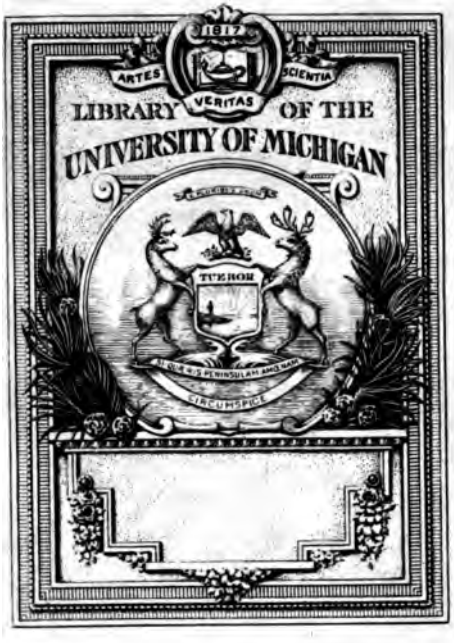
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A

HISTORY

OF

NEW SOUTH WALES.

—

VOL. I.

T & E. Gilks Lith.ª

From Cº Throgmorton Street

SIR RICHARD BOURKE'S STATUE.

A

HISTORY

OF

NEW SOUTH WALES,

FROM ITS SETTLEMENT

TO

THE CLOSE OF THE YEAR 1844.

BY THOMAS HENRY BRAIM, ESQ.

OF ST. JOHN'S COLLEGE, CAMBRIDGE; FORMERLY HEAD MASTER OF THE EPISCOPALIAN GRAMMAR SCHOOL, HOBART TOWN, VAN DIEMEN'S LAND, AND NOW PRINCIPAL OF SYDNEY COLLEGE, NEW SOUTH WALES.

As in a cradled Hercules, we trace
The lines of Empire in thine infant face.

CAMPBELL.

IN TWO VOLUMES.

VOL. I.

LONDON:
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PREFACE.

THE nature and object of the Work now issued to the world are sufficiently explained in the opening Chapter. The toils of an Author in Australia are not of that pleasing character, which suggested to the poet the expression "Labor ipse voluptas." While his fellow-citizens, the Great Republic of Letters at home, trim their lamps at leisure, and relax their bows, when Apollo ceases to be propitious, the Author in this hard-working country is compelled to pursue his task under the pressure of daily avocations; his lamp often expires while his labours are incomplete, and his bow is broken from too great severity of tension. I have not been exempted from the general sentence. My professional calls are neither few, nor light; and such is the best apology I have to offer for imperfections, which the critical reader will not fail to detect. Let this candid confession bespeak his indulgence.

It is my pleasing duty to acknowledge the assistance and sympathy, which I have received in the execution of my undertaking. To the Hon. Edward Deas Thomson, Colonial Secretary, and the Gentlemen connected with Public Departments, I am under the greatest obligations for the readiness with which they have supplied me with documentary information, so necessary to the elucidation of the important questions in which the Colonists are at present interested, and which are discussed in this Work.

With regard to "the Climatology and Diseases of Australia," I am greatly indebted to Charles Nicholson, Esq., M.D. M.L.C.; a gentleman to whom the Australian Public are under many and lasting obligations.

I have also to acknowledge the assistance, I have received from George Arden, Esq., and Mr. Slatterie, as well as from J. B. Laughton, Esq. B.A. all of whom aided me greatly in the preparation of the historical parts of the Work.

LONDON,
DECEMBER, 1845.

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THE HISTORY

OF

NEW SOUTH WALES.

CHAPTER I.

DISCOVERY AND EARLY HISTORY.

SECTION I.

GOVERNMENT OF CAPTAIN PHILLIP.

WHILE the commercial nations of Europe were pushing discoveries, and making territorial acquisitions in the Eastern and Western hemispheres—the Old and the New World; while England had been colonizing the lands of America, and conquering the kingdoms of India, the wide tracts of the South Pacific and South Indian Oceans embosomed in unknown solitude a number of vast and populous islands, which, since their discovery,

have been named and classed as a fifth grand division of the globe under the title of Polynesia.

The most prominent in geographical importance of the Polynesian islands are Australia, New Zealand and New Guinea; but while the latter with its group of sister islands, forming a connecting link between Asia and Australia, has been hardly explored, the former with their dependencies have become British colonies, second only in wealth and value to the Canadas, and the West Indian Islands.

The chief, as it is the oldest colony planted by Great Britain on the continental island of Australia, is New South Wales; and it is the history and general description of this settlement that we now propose to compile for the information of the English reader, and for the perusal of our native youth.

After a course of fifty years, as a penal colony, New South Wales is now ranked in the list of the free dependencies of the Crown, and besides the highly curious and interesting field of research and narrative which its early history affords, it has now arrived at a point in its career which indicates the present as the fittest time for the composition of a work embracing its past history, its actual position, and its future prospects. The institution we mean is that of a local legislature, combining the principles of elective representation

the representation of the Crown interests,

and the establishment of this fixes a date up to which the previous progress of the colony forms of itself an era, or period of history: it is through the details of that period, that we now purpose to carry the reader.

The plan upon which the following work is composed, is of a descriptive as well as statistical nature, combining the mode and style pursued by Lang and Martin. It has always appeared to us that the former is too generally descriptive, the latter too sterile in his materials for general interest. Lang is exceedingly meagre in his statistical details, and weak in his financial views; Martin is replete with figures, but such as are often incorrect and sometimes contradictory. In the following papers, the early history which is connected, we consider, with the first distinctive period that we have described, is made to contain a narrative of the earliest discoveries of Australia down to the naming and taking possession of New South Wales by Cook, the Navigator; the formation of a penal settlement at Port Jackson, or Sydney under Captain Phillip, the first Governor of the territory; and a brief but complete and faithful memoir of the several administrations of his successors in the government of the colony. We have given, however, in a separate chapter, a larger proportionate space to the administrations of Sir Richard Bourke and Sir George Gipps, both from the greater development of the country during their

term of vice-regal sway, and because, as yet, the political state of New South Wales under their rule has been nowhere succinctly described—the history written by Dr. Lang only proceeding so far as the first year of Sir Richard Bourke's government.

The continental island of Australia was visited, it is now generally agreed, by De Quiros, a Spanish navigator, in 1609, who, evidently desirous to emulate in this new tract of country the adventures and successes of Columbus and his followers in America, proposed to the reigning monarch of Spain to fit out an expedition for its conquest and possession. For once, however, the swelling ideas of the Hispanian Princes on the subject of universal monarchy were limited, if not suppressed; the Court of Madrid was satisfied with the acquisition of all the Americas, and allowed the Australias to remain an open field for the enterprise of other Kings.

During the next forty years several Dutch navigators at various dates fell in with the land on the northern and western coasts, and through their combined observations was obtained a tolerably faithful knowledge of the outline of the country from its south-western extremity (at which the colony of Swan River is now situated) to the north-western promontory or cape which borders on the Gulf of Carpentaria, and is the site of Port Essington, and the present settlement of Victoria.

Nor did the discoveries of the Dutch stop here; for another navigator, sent thither for the purpose of surveying by the Dutch East India Company, discovered and named Van Diemen's Land, which up to that time had been supposed to be a cape or extremity of Australia. The same commander, Tasman, also sailed round the northern extremity of the island of New Zealand, which he named Cape Maria Van Diemen—the two discoveries thus christened, being called by him after the Governor of the Dutch settlement of Batavia and his daughter, under whose auspices he had undertaken the exploratory voyage.

The Gulf of Carpentaria lying just to the eastward of the northern cape, which we have described as one of the *termini* of the early Dutch surveys, was entered, explored and named after himself by a commander of the name of Carpenter. The name, therefore, which one half the island of Australia bears—that of New Holland, or as it is written in the original Dutch, "Niew Hollandt" is justly and properly retained by modern hydrographers, whilst the remaining half is called generally New South Wales, from the eastern coast having been so first designated by Captain Cook, to whose enterprise and that of other English navigators, the eastern and southern coasts of Australia more particularly owe their discovery.

It is to be observed that these are the two main divisions of Australia. Portions of territory have,

from time to time, been reserved out of either, and set apart as Colonies of the Crown, or as dependencies of the colonies, under distinct names. Of these, South Australia comprises a part of the territory of New South Wales, but is a separate colony; in like manner the dependency of Port Phillip has distinct boundaries reserved to it out of the same division, while Western Australia has allotted to it a considerable part of the division known as New Holland; and Port Essington again, although a dependency of New South Wales, has its territory reserved out of New Holland.

We have thought it as well to be somewhat particular in describing the above divisions and subdivisions, because, up to this day, great confusion respecting the nomenclature of Australia and its colonies exists in Britain, even amongst the best informed classes.

We have brought the progress of discovery down to the year 1777, on the 20th of January in which year, Captain Cook planted the British standard on the eastern coast of Australia, in the vicinity of a harbour named by Dr. Solander (who was one of the *savans* who accompanied that expedition) *Botany Bay*, from the number, variety, and novelty, of the natural specimens he met with in the adjacent country. The country bounded by the line of coast north and south of Botany Bay—at frequent intervals of which Captain Cook landed, took formal possession in the name of his

Britannic Majesty—was called generally New South Wales.

The extreme brightness of the sky, the purity and elasticity of the air, and the botanical wonders in the neighbourhood of Botany Bay at that season, but more than all, the seductive charm of discovering and taking possession of a vast, new, beautiful, and interesting country, led the narrators of that expedition into describing the "Great New South Land" in such terms, as induced the British Government, when, in 1785, its ministers were looking about for a fresh and eligible geographical situation for their projected penal settlements, to give the preference to New South Wales.

It was just at that period that the recent separation of the American colonies from the mother country, deprived Great Britain of a place to which to send the sentenced criminals, who, under the transportation system long and early in vogue, were regularly despatched to the plantations and settlements in the West. Australia presented a favourable aspect, and accordingly to Botany Bay it was resolved to send the "first fleet" of convicts.

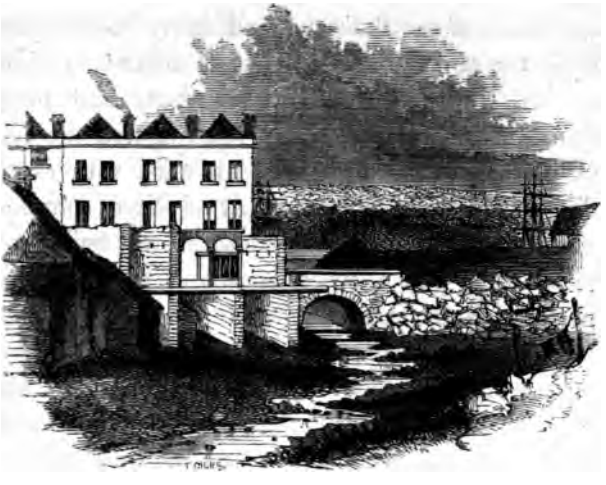
In March, 1787, a fleet of eleven vessels, having on board five hundred and sixty-five males, and one hundred and ninety-two female prisoners, with a proportionate military guard, the whole under the command of Captain Arthur Phillip, R.N.,

as Governor of the convict colony of New South Wales, sailed from Portsmouth, and after a voyage of eight months, protracted by the frequent calls made on the outward route at Teneriffe, the Cape, and other points on their track, for supplies of provisions and necessaries, arrived at its destination on the wild, solitary, and scarcely inhabited shores of Botany Bay. The site selected as the settlement or home of the young colony, on the descriptions of Captain Cook and his officers, was found to be, on farther examination, wholly unsuitable; the heat was great, the land beyond the circle of half a mile from the sea, was encumbered with sands, swamps, and heavy forests, and the harbour itself, when the weather was rough, and the easterly wind prevailing, was unsafe anchorage.

In this dilemma, Captain Phillip, the Governor, resolved to go northward with an expedition, or pioneering corps in the ships' boats, for the purpose of examining another harbour, also discovered and described by Captain Cook, and called "Broken Bay." In his passage upwards along the coast, curiosity led him to enter an inlet laid down on the chart of Cook's expedition as a "Boat harbour," and which it was said was called after the seaman who descried it from the mast-head, "Port Jackson."

To their surprise and delight, the excursive band found themselves in a harbour, which, beyond

the narrow passage of the lofty heads, kept on widening into a broad sheet of water, indented in every direction with still and sheltered coves, and naturally protected with rocks and woods, which combined a certain air of picturesque romance with indications of safety and fertility. To this port the fleet was immediately removed from Botany Bay, and in the basin of one of its inmost recesses, the ships having come to an anchor, the inmates were landed, and the commencement of the settlement made on the 26th of January, 1788.



The Tank Stream.

Where the "Tank Stream," of which we annex a sketch, now exhibits a portion only of a thriving

city—the metropolis of a country with a population of one hundred and fifty thousand inhabitants—there then stood a thick silent wood, through which the stream gurgled and trickled, breaking by its voice alone the solitude that pervaded that singular spot, unless, at intervals, the shrill "cooee" of the savage, or the crackling bound of the hunted kangaroo, trespassed on its primitive haunts. The evening on which the axe first sounded along that streamlet and through that wood, on which the tents were landed for the accommodation of the residents of the new settlement, closed over the heads of one thousand and thirty individuals, while the same sun set fifty years afterwards upon a town thronged with between thirty and forty thousand inhabitants, whose rejoicings on the day of their "jubilee" had been attended with every demonstration of a luxuriously civilized community, whose city was beautified with costly buildings, private and public, whose means of defence were powerful and extensive, and whose port was crowded with a thousand ships, and the evidence of a widely ramified commerce. Who that has ever stood on the boundaries of that wonderful place, has not felt himself carried away by the brilliancy of the contrast we have drawn, and cannot but forgive the digression to which, at this point in our history, we have been irresistibly led.

It is not our object to follow with minute atten-

tion the changes of fortune to which the distance of the colony from the rest of the civilized world, and its great dependence upon such parts for the literal maintenance of its population, subjected the settlement of Port Jackson; but, in proceeding, to give an account of the administration of each of the Governors in succession; noting, of course, all the particular events which had any influence on the prospects of the country then, or its state at this time.

The trials to which Governor Phillip was exposed in the management and preservation of his charge, were almost incredible; of these we will endeavour to give a familiar but faithful picture. So soon as his little state was in some degree organized, he endeavoured to bring the soil into cultivation, but from its sterility in the neighbourhood of Sydney, being nothing but sand, little progress was made; the convicts soon began to be troublesome, insubordination and desertion being of early occurrence; then the inhabitants got very soon embroiled with the natives who frequented the port for fishing. As soon as it was reckoned that the convicts had arrived in New South Wales, a vessel was despatched from Britain to convey a further store of provisions and other necessaries. This ship, the Guardian, Captain Bean, was wrecked on her way out, at the Cape. In the meantime an accession to the number of colonists had taken place by the arrival of another ship at Sydney with two

hundred and twenty-two female convicts. As a measure of relief, Captain Phillip sent away a detachment from the crowded settlement to take possession of Norfolk Island, that dependency which is distant about seven days' sail from Port Jackson, being supposed capable of supporting the whole number so consigned to its soil, and even to afford relief to the mother colony, by the capabilities of its climate and soil for agricultural purposes.

The same fatality, however, attended their movements in the new settlement as in the old. The Sirius, which conveyed the settlers of Norfolk Island, was wrecked on its rugged coast, and the Lieutenant-Governor (Hunter) found himself removed still farther from all assistance with five hundred and six persons, for whose sustenance it seemed almost impossible to provide from the scanty supply of food saved out of the wreck, and for whose use no diligence or ingenuity could raise sufficient grain for a period of several months. The state of the friends, whom they had left at Port Jackson, was still more aggravated by another arrival of convicts shortly after their departure, although the expected increase of distress was somewhat abated by the loss through death of a number of the prisoners on their passage out. In this manner, penury and privation, amounting almost to starvation, assailed the colony for three years. There may be some of our readers, who,

like ourselves, have made a long voyage, for a few weeks of which time "all hands were on short allowance;" to them the fearfully protracted time of thirty-six months, or three years, will appear in all its appalling colours. There are few who could realize, without due reflection, the immense amount of natural obstacles overcome by the first settlers in New South Wales. There are probably none in the wide city of Sydney, who, as they pass unconcernedly through its well furnished streets, enter its markets teeming with every produce the native air and land can produce, besides innumerable exotic luxuries, think upon the hardships, known and unknown, endured by their predecessors in founding for them a land of abundance, contentment and beauty.

The miseries that weighed down the spirits of the early settlers, and that added bitterness to the chains of the felon, were at length relieved at the two settlements; a third convoy with stores having arrived from the Cape in June, 1790. In the following year, what is generally termed in the colony the "second fleet," consisting of ten vessels with sixteen hundred and ninety-five male, and sixty-eight female convicts, carrying proportionate quantities of stores, had the effect of placing the inhabitants once more at ease, and in the midst of abundance. Meanwhile the historian must not forget to trace the efforts made in both settlements to secure the means, and to advance in the social

and substantial elements of civilization. The deplorable situation in which we left the colonists at Norfolk Island was temporarily relieved by a circumstance which is well worth relating again, although preserved as an anecdote by previous writers on the history of these countries. One night, shortly after the arrival of the Sirius, it was observed that a nighbouring hill (since called Mount Pitt) was frequented by innumerable birds that winged their way home at the close of day to their nests and their young, built and reared in the holes constructed by the inmates of this singular warren. By going stealthily on the birds at night, and attracting them as soon as disturbed to the light of a lantern purposely exposed, they were easily captured, being knocked down by hundreds through the activity of the half-starving capturing parties. On the flesh and eggs of this bird,* a species of gull, the people contrived to support life, until, in time, grain was reared for the supply of the station. In December, 1791, at the close of the second year's settlement in the island, about a thousand bushels of wheat had been reaped, besides five hundred bushels of maize.

At Port Jackson, Governor Phillip did also his best to encourage agricultural pursuits. In 1791, seven hundred acres of land were under cultivation, but, independently of the soil being of an inferior quality, the drought which prevailed at that very

* Commonly called "the Mutton-bird."

season, of all others the most calamitous, together with the attenuated strength of the operative portion of the community from long suffering and want, nearly neutralized all the labour and expense thrown away upon it.

It was about the same year that Governor Phillip, with the concurrence of the Home Government, began to introduce those elements of freedom into the little colony, which, like the grain of mustard-seed, here branched out into a noble and emancipated nation! In March, 1791, four free settlers were rewarded with grants of land situate on the narrow and prolonged arm of the sea, now known as the "Paramatta river." As the colony advanced, similar grants were made to other free individuals, and occasionally a convict was emancipated, and made at once independent and respectable through the same judicious means—a plan, which, on the recommendation of Governor Phillip, was used as an inducement to further free immigration, and which eventually attracted, there can be no doubt, that class of people from the mother country, which has tended to render the colony at length free and independent. We should not omit to mention the assistance afforded to the earlier settlers, in gifts of implements, provisions, stock, clothing, and other necessaries; and upon the departure of Captain King, upwards of a hundred settlers, forming the germ of a respectable, industrious and thriving class, were occupying, under

this system, their own estates, farms, or grants of land.

In the intervals that elapsed between the events we have narrated, the "progress of discovery" was not neglected. The three contiguous ports of Port Jackson, Botany Bay, and Broken Bay were well surveyed; and it was in examining the details, as it were, of the last harbour, that the discovery of the river Hawkesbury was made, which, for many years, indeed until the discovery of the Hunter River more to the northward, was the principal agricultural district of the colony, and the granary of New South Wales. The Hawkesbury was tracked by the Governor himself for more than a hundred miles in its upward course.

We now draw near to a close the administration of the first Governor of New South Wales. Shortly after the arrival of the "second fleet," his Excellency, whose health was doubtless impaired by long anxiety and great difficulties, embarked for England.

If we pause for a few minutes, and try to estimate the value of Captain Phillip's government, we shall see it on the one hand enriched by the results to the country which owes, we may say, much of its present importance to his vigorous conduct united with patient forbearance; on the other hand, we find that value enhanced by his temperate, judicious, liberal and patient behaviour through all the trying scenes of his residence in this

land of exile. When we look upon him successfully combating with starvation, disease, death, drought, and insurrection, amidst ruffian companions, and on a rugged inhospitable soil, we are obliged to admit, that this brave good man deserves, in more senses than one, the endearing, the ennobling epithet of "the father," as well as the founder of our colony.

SECTION II.

GOVERNMENT OF CAPTAIN HUNTER.

Captain Hunter, whose name has been incidentally mentioned as having been, while in the command of the Sirius, one of those who shared the privations of the colonists of Norfolk Island, on the coast of which his vessel was shipwrecked, was appointed to succeed Captain Phillip as Governor of New South Wales. It will be borne in mind by the reader, that Captain Phillip was the first captain of the Sirius, when, with that vessel and her convoy, he arrived at Australia as leader of the first colonizing expedition. Upon his landing, and assuming the more immediate duties of Governor, Captain Hunter continued in command of the Sirius as first captain, and subsequently to the wreck of that vessel at Norfolk Island, he returned to England by way of Batavia in a Dutch vessel, which was hired by Captain

Phillip to convey his brother captain, his officers and crew to England.

After the departure of Governor Phillip, the government of the colony was administered, first by Captain Grose, and then by Captain Paterson, of the New South Wales corps, during a period of nearly three years, namely from December 1792 to August 1795.

The New South Wales corps, of which mention has thus been casually made, was a regiment formed at home for the purpose of being despatched to the colony in place of the marines, who had served as a special guard over the convicts during the earliest years of its progress. This regiment was intended, indeed, to take that place of trust with regard to the felon population of the country, that the Royal Marines do in respect to the ships' companies of the navy. It was to their loyalty and bravery, that the Crown entrusted its honour and power amongst a population that might be induced, or inflamed to mutiny. How far that corps fulfilled such honourable service will be learned as the reader proceeds with the narrative.

The corps to which we have referred was placed in very peculiar and trying circumstances; their period of service in that distant land was intended to be perpetual. With all the high feelings and ardent dispositions of British soldiers, the officers found themselves situate in quarters, where, neither the excitement of adventure and glory could

stimulate and reward them, nor the attractions of polished society could relieve their monotony and privations. Feeling themselves settled for life, they naturally cherished the wish of accumulating an independence out of the resources of the country on which to maintain their families in the land, or by means of which they could purchase their retirement, and return to England. Accompanied with this view of their circumstances, was the wish to form amongst themselves, and to cultivate amongst their own class of free civilians, the frame and amenities of civilized social life. The first object was to be gained by the two channels of agriculture and commerce, and the pursuit of these led many of the officers of that corps into an illegitimate connection with the chances and tricks of mercantile dealings. The second object was gained by their indisputable position with regard to the society of the place, and through the familiar intercourse kept up between Government House and the Officers' quarters, where all that was "presentable" of male or female society, in New South Wales, occasionally congregated.

Unfortunately for that strictly gentlemanly spirit which should mark the military officer, in private as in public life, the trade of the colony held out allurements of so enticing a character for the accumulation of wealth, that many members of the local regiment actually turned hucksters and store-keepers. The chief article of trade at that

time happened most unfortunately to be "rum;" and thus the military dealers were rendered the earliest agents on that work of demoralization, which has been going on in the colony ever since from the passion of the inhabitants for intoxicating liquors. Many of the officers obtained licenses for retailing spirits, which were so managed, that the store or inn in which the business was carried on, was left to the superintendence of some female convict, between whom and the licensed officer an immoral *liaison* existed. Spirits were often exchanged for the agricultural produce of the settler, which produce was disposed of to the Commissariat of the colony—Treasury Bills being received in return. Had the officers of this regiment confined themselves to pursuits similar to those of the landed gentry of England, much of the subsequent mischief arising from their conduct would have been avoided, and their own characters preserved from blemish. I say much only, because it is a question whether the giving a colonial military protective force any permanent and agrarian interest in the country was not radically bad. The result, indeed, shows that it was. The New South Wales corps was in time removed, being engrafted into the line, and a regular succession of regiments has since been continued, as at other foreign stations and settlements. The general consequence of the permitted huckstering which has been described, was laxity of principles, licen-

tiousness of manners, and selfishness of mind. If we consider, then, that these acquired habits and feelings were carried into social life—which, as a body, the officers of the corps materially influenced, if they did not wholly control—the consequences, even at this stage of our history, it will be seen could not have turned out otherwise than disastrous.

One circumstance which tended to increase the influence of the military was, that the interregnums which occurred during their stay in New South Wales were always filled by the chief officer, who was also the councillor and assistant of the government whenever in the hands of the organ or representative of the Crown. This will account, in a great measure, for the power by which Governor Hunter's administration was embarrassed, and to which that of Governor Bligh succumbed. In fact, when Captain Hunter, the second Governor of the colony took upon him its government, his enjoyment of society almost depended upon the terms he was on with the military aristocracy, while the friendly assistance of its principal officers, who had for more than two years previous to his arrival, governed the settlement, was essential to his own success. The New South Wales corps had, literally, a greater influence than the Crown, for its weight had been continuous and increasing, while that of the former was broken, and dependent upon the disposition of the one party who

represented the monarch to associate or quarrel with the latter.

The new sailor Governor was as blunt and determined to maintain his superiority as any captain of the naval service, who monopolizes the dignity and control of a vessel afloat. Jealousy and misunderstanding between the two influences of the military and civil powers ensued almost immediately on his arrival, and so increased during the next five years, that the Governor was at length induced to embark for England, again leaving the administration to the commander of the colonial corps, in order to obtain leave and means for completely reorganizing the machine of government. He never returned, probably owing to the influence exercised by his military opponents, even at the distance which intervened between Government House, Sydney, and Downing Street, London.

Although Governor Hunter's administration wanted that decisive character and result, which independence of the local party spirit described might have gained for it, yet there were improvements going on that are worthy of notice. Free immigration was slowly extending, and the agricultural wealth of the colony increased considerably under the application and spirit of the originally free settlers, together with those who had been from time to time emancipated. To encourage their operations, the government provided the

settlers with labourers, and servants of various descriptions out of the bond or convict population; a practice which originated what has since been termed the "Assignment System." That it was a highly judicious custom, few words will suffice to show. The difficulty of obtaining labour, which has at all periods of the history of our colony formed a standing complaint with the colonists, will readily present itself to the reflecting mind as having been, in the first struggling circumstances of the country, the greatest drawback to the success of the farmer and proprietor. Very few of the lower orders could be induced to leave their British homes for the chance of what fortune offered them in a land associated with poverty, indifferent fertility, and the fancied horrors of penal society and government. The parties who mostly gave themselves to the venture, were men of respectable education and standing, who relied upon the joint exertions of themselves and their families to turn their little means to advantage. Others, however, who were possessed of some capital, wherewith to stock their grants, would have been wholly disabled from tillage or rearing stock, or even from keeping "a house together," for the want of servants. To them, therefore, and to all, the Assignment System became of the highest utility; every person, whether in town or country, who could give employment to one or more domestics or servants, had male or female

convicts, according to the circumstances of the case, assigned for his use, and placed under his control. The same plan was also of real service to the government, since it relieved the Treasury of an expenditure necessary to the maintenance of the convicts while retained under government, an expenditure which was then usually reckoned at from £12 to £15 a head, and which ultimately amounted to such an immense annual outlay, as to form a very serious item on the budget of the British Treasury Board.

During the administration of Captain Hunter, the "progress of discovery" was neither neglected, nor unattended with beneficial results. Port Macquarie, Newcastle, and the Hunter River were discovered and settled, and have since proved of great agricultural and commercial importance. It may be stated, in passing, that Port Macquarie is a harbour about seventy miles to the northward of Sydney. Newcastle was so called, on account of the abundance of coal discovered in the neighbourhood. The River Hunter empties itself into the sea at Newcastle; and on the banks of this river, the town of Maitland was subsequently founded, and the communication between it and Sydney is at present maintained by several steamers which ply constantly, and are always well supported by the great traffic of the port, town, and fertile interior.

Captain Hunter on his return to England, was

"posted" to the command of the Venerable, seventy-four; he rose to the rank of Rear-admiral, and spent the closing years of his life in the neighbourhood of Leith, in Scotland.

SECTION III.

GOVERNMENT OF CAPTAIN KING.

The third Governor of the colony was Captain King, who at the time that Captain Hunter was Governor in New South Wales, was left in charge of Norfolk Island, the occupation of which has been fully described, as Lieutenant-Governor. On the departure of his immediate superior, he succeeded to the higher post, according to general directions to that effect transmitted from home on the establishment of the colony and its dependency. On the recommendation of Captain King, the dependency of Norfolk Island was abandoned, at least, as a penal settlement, and the whole expenditure, and duties of the government were concentrated in New South Wales, with Sydney as its capital town. There can be no doubt that this was an ill-judged step. After the expense which had been incurred in the formation of the settlement, nothing short of insalubrity of climate, sterility of soil, or insecurity of position, ought to have decided the government in throwing away the results of so many years toil, and of so large

an amount of money. Even if such objections should have operated against the propriety of longer retaining the dependency, such of the free settlers, at least, as were willing to remain, might have been permitted to continue on the island under the government of a magisterial executive. Yet, with all the natural capabilities of climate, soil, and situation acting strongly in its favour, instead of against it, not only was the convict establishment abolished, but every exertion made to get the free population out of the place at the same time.

Many of these, it is to be remembered, were settled with their families on beautiful and productive farms at Norfolk Island, and had had children born to them on the soil they were called upon to quit. They were removed, and had grants of land given to them either in New South Wales, or Van Diemen's Land. A considerable band of them settled on the northern division of the latter colony, where the district to which they removed, is to this day called "Norfolk Plains;" and another township further to the southward, and situate about twenty miles from the town of Hobart, was called "New Norfolk," in commemoration of that event. The island, however, from which they were taken, was not many years vacant, before the British government saw its error, and gave directions to Governor Bligh to re-occupy it for the purposes of a penal settlement, whither all convicts re-convicted in New South Wales of

transportable offences were to be sent, and subjected to the severest discipline.

It was in the government of Captain King, that the first attempt to settle on the shores of Port Phillip was made by directions from the authorities at home. So important was that locality considered, that in 1804 an expedition was fitted out from Britain to take possession of the country on the southern coast of Australia, to form a convict settlement, and to organize a local government under a Lieutenant-Governor and a suitable corps of officers. Colonel Collins, who was despatched to perform the duty, most unfortunately debarked his companions and subjects in the most unpromising locality that could have been chosen in the whole range of that extensive inlet. Irritated at the escape of some of the prisoners, and by the apparent difficulty of supporting the population in such a tract of country, Colonel Collins abandoned the project, without even attempting a survey of the harbour and other parts of the neighbourhood, and proceeded with his whole charge to Van Diemen's Land, where in due time the settlement of Hobart Town in the south, and of Launceston in the north, were, by them, established.

It was very shortly after the occupation of the country around the present site of Launceston by the expedition of Colonel Collins, that the settlers of Norfolk Island removed to Van Diemen's

Land, and assisted in the early colonization of the sister island.

View of the first settlement in Van Diemen's Land.

It is somewhat curious that the abandonment of Norfolk Island and Port Phillip, in the one case unadvisedly hurried, in the other, imprudently deliberate, should have contributed to the settlement of Van Diemen's Land as an original dependency of New South Wales, but subsequently as an independent Crown colony.

The first, and in fact, the only mutiny that has occurred in the colony amongst the prisoner population, took place while it was under the government of Captain King. The mutiny broke out at the government agricultural establishment

at Castle Hill, when some hundreds of the men threw off the control of their overseers, and arming themselves with such weapons as came to hand, set off on their way to Sydney, hoping to awe the authorities, and incite the remainder of the population to join the rebellion. They were, however, promptly met and put down by the military under Major Johnstone of the New South Wales corps, and some of the ringleaders having been condemned to the punishment of death, order and subjection were restored.

Whilst these events were passing, the opposing government and military influences were daily widening the breach occasioned in the administration of the former Governor, between the members of the New South Wales corps, and the civil representative and officers of the Crown. To counteract the weight which the military had acquired among the social branches of the colony, the Governor resorted to the dangerous expedient of emancipating as many of the convicts as he conveniently could, and encouraging them to take a position amongst the colonists which might have been very well as a reward for merit, or an encouragement to reform, but which proved of the most mischievous tendency when used merely as an instrument of party spirit.

Many of the emancipists were allowed licenses to sell spirits, and in the pursuit of a business which brought them perpetually into contact with

the most depraved portion of the colonists, they were led to encourage the evil, fierce, and reckless dispositions of the lower classes, convict and free, and to participate in the fruits of their frequent lawless practices. By degrees bushranging became prevalent, and prison discipline so relaxed that it was nearly being altogether subverted; profligacy in private life, and the greatest weakness in administering the authority of the police and executive department marked the last years of Captain King's government, so that at his departure in 1806, after six years of residence, no one satisfactory circumstance in the progressive history of the colony remains to be noted.

SECTION IV.

GOVERNMENT OF CAPTAIN BLIGH.

Captain King was succeeded by Captain Bligh, whose name as a naval officer has been well known in connection with the mutiny of the Bounty, out of which vessel he was turned adrift by his crew in the South Pacific Ocean, when prosecuting a voyage from the South Sea to the West Indian Islands. The return of Captain Bligh to England, having navigated an open boat through Torres Straits to the Dutch settlement of Timor, with safety to himself and his crew, as well as the subsequent adventures which

befel the mutineers of the Bounty, must be well known to our readers.

No sooner had Captain Bligh arrived at the seat of his government, than he showed a determination to suppress the growing and injurious influence of the New South Wales corps, by depriving the officers of their licenses to sell spirits; and, indeed, abolishing, as far as practicable, the monopolizing value of rum as an article of exchange. The course taken by Governor Bligh, although it met with the highest approval from his Majesty's government, was looked upon with marked hostility by the military officers of the colony, and as they had nearly the whole of the society on their side, they quickly succeeded in exciting disaffection, and even disloyalty towards the obnoxious Governor. Not only, however, did Captain Bligh place the greatest restriction on the importation and sale of spirits in the colony, but, setting out on a tour of inspection to the settled country on the Hawkesbury, when the farmers, just at that period, were suffering from the destructive effects of an inundation of the river, his Excellency visited all their stations in person, inquiring into and learning their wants, and giving directions for their supply from the government stores, in exchange for, or in advance of, their agricultural produce. Such a system, by interfering with the lucrative trade in the necessaries of life hitherto carried on by the

colonial officers, civil as well as military, amongst the settlers, mechanics and labourers, incensed their jealousy and dislike, until they broke out into open rebellion, and deposed the Governor from his high situation upon their own responsibility.

A relation of the occurrences which led to the New South Wales Revolution, is very minutely and faithfully set forth in Dr. Lang's History of this country; but is far too prolix, and of too unimportant a character to be repeated at length here. The story, briefly told, is, that in March, 1807, Governor Bligh, on examining the manifest of a ship just come into port, observed that two stills which formed part of the cargo were consigned, one to Mr. McArthur, a resident merchant and civilian of the colony, the other to Captain Abbott of the Colonial corps. The stills were commanded to be given up to the Customs' officers by virtue of a government order abolishing the practice of colonial distillation, and prohibiting the use, or keeping of stills. Owing to some official misunderstanding, the stills were seized by the naval officers in a way which severely inflamed Mr. McArthur's mind against the government. The rupture, so commenced, was aggravated by the seizure of a vessel belonging to Mr. McArthur, within a few months following, on the ground that a convict had been conveyed away from the colony by it. On the

proof of this matter, the bond in such cases required from the owners having been refused, the vessel was seized to indemnify the bond. The officers and men were, in consequence, left in arrears as to their wages, and even maintenance was refused them. They applied to the Judge Advocate's office for protection, as, by coming on shore, contrary to the regulations of the port, they had rendered themselves liable to imprisonment.

At the command of the Governor, the Judge Advocate, who was the chief administrative magistrate at the time, wrote to Mr. McArthur, requiring his attendance at the Judge's office, to account for having allowed the crew of his vessel to land in the colony, or so refusing to maintain them as to compel them to have recourse to the authorities on shore. To this Mr. McArthur answered, that it was owing to the illegal detention of his vessel that he had refused any longer to maintain the crew, for whose further support he considered the government was alone responsible. As this letter evinced no desire on the part of the writer to comply with the requisition of the court, the Judge Advocate, construing such conduct into a contempt of his authority, immediately issued a warrant to compel Mr. McArthur's attendance. The constable in charge of this warrant was openly set at defiance, and an insulting answer returned in the hand-writing of Mr. McArthur himself. The

chief constable was then directed forcibly to apprehend the malcontent, who was captured shortly after, and, being brought before a bench of magistrates, was committed to take his trial for misdemeanour at the Session of the Supreme Criminal Court.

Mr. McArthur appeared to stand his trial on the 25th of January, 1808, before a court composed of the Judge Advocate, and six officers of the New South Wales corps. To the appearance on the bench of the Judge Advocate, Mr. McArthur vehemently objected, as one who was prejudiced against himself and his case. The President, as he was, of the court, although he showed plainly that the court could not be constituted without him, was obliged by the military magistrates, or jurors to leave the bench, whilst Mr. McArthur delivered himself of a written address, protesting against the mode, and kind of injustice to which he had been subjected. Having heard the protest, the officers addressed a letter to his Excellency the Governor, requesting that another party might be appointed in the room of Mr. Atkins as Judge Advocate in the pending prosecution of Mr. McArthur. The Governor, of course, as he was not authorized to adopt such a step, declined to interfere in the way requested. The officers importuned, and at last refused even to allow the papers before the court to be given up, until another Judge had been

appointed. The Judge Advocate, having, in the mean time, determined upon enforcing his authority, again caused Mr. McArthur to be apprehended, an act which drew from the military officers of the court a communication to the Governor of their serious objections to the proceedings of the Judge Advocate. This letter also required that Mr. McArthur might be liberated on his former bail. In reply, his Excellency summoned each of the officers in person to attend at Government House, in order that the recriminatory charge brought against them by the Advocate General, of contemplating an usurpation of his Majesty's Government, might be investigated by himself and a bench of magistrates as a grand jury for the occasion. This procedure, the officers in question looked upon as an intention on the part of the government to set aside the authority of the Colonial Court, of which they were members, and to try them previously to their imprisonment by the court constituted by himself.

At this critical juncture, Major Johnstone, commanding the New South Wales corps, arrived in town, having been detained through sickness at his country residence, and unable to attend, although several times anxiously pressed by the Governor, with a view, doubtless, of influencing the officers of the corps to some pacific and respectful arrangement. Upon his arrival, his brother officers, assisted by Mr. McArthur and his

partizans, instigated Major Johnstone to the belief that Governor Bligh desired nothing less than to set aside all law in the colony, excepting his own will, and to oppress the officers of their corps in particular, by enforcing their degradation and punishment. In accordance with this advice, Major Johnstone, excited by his comrades and urged to step in between the Governor and the corps, first liberated Mr. McArthur, and then marching at the head of his regiment to Government House, arrested Captain Bligh, made him a prisoner in his own room, and on the following morning assumed the direction of affairs by a proclamation in the name of the King.

Governor Bligh's conduct throughout seems to us to have been strictly impartial, and, in the exigency of the circumstances, perfectly authorized, although it is to be regretted that a more predominant desire for reconciliation had not marked his correspondence, as the events were coming to their fatal crisis. The principal cause of the mischief lay in the anomalous position of the free British subjects of the colony in respect to the law and government of the territory. The Governor, at the time alluded to, was as absolute and irresponsible as the Autocrat of the Russias. The law was administered by a Judge Advocate in supreme, and by paid or honorary justices, in ordinary. The Civil and Criminal Code of England prevailed wherever it could be made

applicable, or was not superseded by any ordinance of the Governor, but even such law as this could be entirely set aside by the head of the government, if, at any time it was his pleasure to suspend the only judge of the land, or proclaim military law. The immediate administration of British law, as before stated, was in the hands of one party, who, as *sole resident judge*, could not be free from the suspicion of local prejudices. Whenever that judge sat *in banco*, he was aided by six officers of the local regiment, as jurors or assessors, who were equally open to the charge of natural and unavoidable partiality. The radical impropriety of such a situation brought itself to an issue in the case of Mr. McArthur—the Judge Advocate being, in private life, openly inimical to the prisoner, whilst the military jurors were as openly his friends. Mr. McArthur, feeling that he had little justice to expect at the hands of the former, challenged his right to preside at the trial, —a view in which the military assessors agreeing, they sent a requisition to the Governor for the appointment of a temporary president. Captain Bligh was aware that he could not deprive the Judge Advocate of his authority, except by suspending him, and that then even he had not the power to substitute another in the place of the deposed official. He declined, therefore, either interfering at all, or complying with the desire of the requisitionists. Judge Atkins in the mean

time aggravated the dislike and suspicion to which his former conduct had always subjected him, by carrying out his power with a high hand, by accusing the jurors of an attempt to usurp the executive and administrative authority of the government, and by causing Mr. McArthur to be apprehended and imprisoned. This step so enraged the officers, who were before at open variance with the judge, that they positively refused to deliver up the papers connected with the trial, which were before the court, and which it appears to have been the object of the judge to have got hold of, in order to continue the prosecution of Mr. McArthur in a second and another court convened for the purpose. The Governor, in so unprecedented a dilemma, convened a bench of magistrates at Government House, before which he summoned the jurors to inquire into the serious charge of usurpation and treason preferred by the judge. It was subsequently proved, on the evidence of the Governor's private secretary, that it was the intention of Captain Bligh to have made the projected investigation only a preliminary one, leaving its final adjudication, on indictment, if that were necessary, to the pleasure of the Home Government. It was his intention, also, meanwhile to have prevented the administration of the law in the person of Mr. Atkins, and to have left it in the hands of the magistrates, until further provision were made by the authorities at home.

The officers of the corps, however, having long been at enmity with Captain Bligh, to whom the Judge Advocate was a sycophant, whilst he used his power to insult and oppress any member of the opposite party, when within the operation of the law, rashly conceived the opinion that the Governor was determined not only to countenance the proceedings of the judge, to which indeed he was bound, but also to seize the occasion as one in which to inflict the summary vengeance of government on the refractory spirits of the opposite party.

It was then they ruled their commanding officer to use his power with the military to depose the obnoxious Governor and judge. Their conduct was doubtless impeachable as openly illegal and rebellious, but a very great allowance is to be made for their behaviour to the judge, whose prostitution of the law, when advantageous to his own mean and tyrannical feelings, was notorious throughout the settlement; and which, if it had been suffered to go longer unchecked, must have resulted in some violent collision between the officers and the judge.

In the highly excited state of all parties, it was natural that the officers should involve the Governor in their suspicion of the Judge Advocate's prejudiced and oppressive conduct, since they had quarrelled with his Excellency as a party from the date of his earliest arrival, while the judge had

been not only his supporter, as bound out of respect to the Crown, but the opponent of the military clique and influence in a manner highly discreditable to the sacred and lofty nature of his office.

The direct provocative of this insurrection is to be shown. We consider Judge Atkins to have been the cause, who, from his perversion of power, and desecration of the duties of judge to the pique and passions of the man, excited the movement which has remained a disastrous memorial against the character of all concerned.

A somewhat similar collision, between the administrator of the law and the colonists, has lately occurred in the district of Port Phillip, where the sole resident judge has been deposed and inhibited from the further exercise of office. Two such warnings, one would think, were sufficient to induce the British government to abolish so anomalous a constitution, as a district law court presided over always by a *sole resident judge*.

After his arrest, Captain Bligh was detained a close prisoner until, by negociation with his captors, he was permitted to take command of H.M. ship, Porpoise, they stipulating that he was at once to proceed to England in the vessel thus placed at his disposal. This portion of the treaty was, however, evaded, and the deposed Governor sailed for Van Diemen's Land, where he probably

had hopes of finding means in the greater loyalty of the inhabitants to recover his lost authority; but the officers there, having received instructions from the party in power, Captain Bligh was disappointed in that quarter. He then cruised off the coast until certified of the arrival of a new Governor for the colony with particular directions respecting the case of his predecessor, and whom Captain Bligh hastened to join in Sydney. The Home Government had appointed Colonel Macquarie to the important post, with instructions to reinstate Captain Bligh for a period of twenty-four hours, then to direct his return to England, in order to prosecute the trial of Major Johnstone, who was sent home under the strictest arrest. The New South Wales corps, which was in reality the cause of the late insurrection and its various forerunners, was relieved of its charge as military guard of the colony, and re-transported to Britain. On the arrival of all parties in England, Major Johnstone, or, as he had at that time become, Lieutenant-Colonel Johnstone, was arraigned before a court-martial held at Chelsea on the 7th of May, 1811, declared guilty of highly mutinous conduct, and sentenced to be cashiered. He subsequently returned to New South Wales, where he died, several years after, in private life, a colonist of general repute and estimation. Captain Bligh obtained employment again in his original and more congenial service—the navy, and at his

death ranked as an Admiral of the Blue. The New South Wales corps was incorporated with the line, of which it now forms the 103rd regiment.

SECTION V.

GOVERNMENT OF MAJOR-GENERAL MACQUARIE.

Colonel Macquarie, who assumed the control of affairs in New South Wales as successor to Captain Bligh, was the fifth Governor of the colony. He took charge in December 1809, and continued in the post for a period of twelve years, up to December 1821.

The most remarkable feature of Governor Macquarie's administration, was his application of the large amount of convicts which rapidly swelled the population of the country to public works. By employing the prisoners as mechanics and labourers, he was enabled to complete many public buildings in Sydney, which continue to be of the highest utility, and he was also enabled to lay open the resources of the interior by the formation of roads.

The progress of discovery in the colony, which was almost at a halt in the previous Governor's reign, and the extension of the aids to industry of its inhabitants, profited greatly by these spirited undertakings, although a draw-back to its social

character was generated by the too great indulgence shown to the emancipist class.

Amongst the lines of communication with the interior constructed under Governor Macquarie's authority, are, the road from Sydney to the Hawkesbury, by the towns of Paramatta, Windsor, and Richmond, and that to Liverpool, Campbell Town, Airds and Appin settlements, which were founded at the commencement of his term of government. The principal achievement, however, in this department of public works was the road he caused to be made to Bathurst, a flourishing settlement which had been made at the distance of about one hundred and thirty miles westward from Sydney by the earliest settlers that had crossed the Blue Mountain Ranges, and occupied the plains of Bathurst as a pastoral locality. This tract of country was discovered in 1813 by Messrs. Wentworth, Lawson and Blaxland, (all now members of the New Representative Assembly,)* who, in a season of drought which afflicted the land, penetrated beyond the barrier of the chief mountainous range then known to the colonists, denominated the "Blue Mountains," and opened the way to the country beyond, which, by the comparative abundance and fertility of its pastures, afforded relief to the distressed flocks hitherto grazed on a burnt-up and degenerating soil nearer to Sydney.

* Since these pages were arranged, Mr. Blaxland has resigned his seat.

The public buildings erected during the administration of Governor Macquarie make too long a list to be particularized here; but, the General Hospital, the Military and Convict Barracks, and St. James's Church in Sydney are of the number, and form lasting memorials of his judicious employment of the means at his disposal for forwarding the service of the State.

Mr. Bigge, who was sent out from England expressly for the object of making the report of a Government Commissioner on the colony, subsequently attached censure to the extent of public building carried on by Colonel Macquarie, although he appears to be at a loss to suggest any other more useful mode in which the prison population could have been employed. Had it been the case that while such expensive works were proceeding, the country settlers were destitute of the assigned labourers whom they required, the Commissioner's reproach might be justified; but if, as can be shown, it was only the vastly redundant portion of the convicts who were employed in the manipulation of government projects, their disposal in such a manner proves itself to have been the best which could have been devised. Indeed a return to the system of continuing public works through the colony, partly at the expense of the Home Government, and partly as a charge on the Colonial Treasury, has been deliberately advised by many of the most talented writers on New South Wales,

and certainly secures our favourable opinion and approbation.

There is no more reason why convicts should not be again sent to this colony, and employed on the public works of the government, or even assigned, if necessary, to the employers of labour, than that a similar system of employment in France and Holland should be discontinued. So long as the system produced the reproach of the colony's being a convict colony, which, in consequence, was placed to some extent beyond the pale of free British institutions, it was advisable, perhaps, for the colonists to consent to its suspension. But as we never saw the force of the argument which kept this colony back on that account, so now we can no longer remain silent, as to the positive amount of benefit derivable from a return to the plan of transportation and assignment. If we mistake not, the present ministry holds a view on the subject not inimical to its early restoration as a component part of colonial economy.

The chief and perhaps only fault about Governor Macquarie's administration, was his injudicious encouragement of the emancipists as a class, for, although there could be no just grounds for continuing to keep them in degradation after having satisfied the sentence of the law, yet, to advance them at the expense of the originally free settlers created that very division which, but for such

policy, would not, we consider, have been dreamed of.

It was the intention of Colonel Macquarie to carry on the admirable plan, introduced by Governor Phillip, of forming an agricultural population out of the emancipated inhabitants by giving them grants of land as an inducement to cultivation; but the indiscriminate manner in which the "granting system" was conducted, proved a source of much general turpitude and evil. Convicts whose address and cunning secured the coveted indulgence of emancipation, obtained grants of land which served only the purposes of after-traffic and fraud. Instead of being applied to the purposes of cultivation, they were frequently exchanged for liquor, which became an article of sale and consumption in every spot where a population of any amount was collected; a custom which was the means of forming a dissipated and improvident generation, in the place of a hard-working and virtuous people. Over the class to whom he had carelessly confided the elements of the country's future rural population, Governor Macquarie extended his special patronage, and with equal want of discrimination, the emancipists were admitted to associate with his own set of acquaintance—a circumstance which highly offended the originally free inhabitants, and by the immoral character of many of the emancipists at that time, first induced that vitiated taste which

has been so injurious to the colonial-born, and still continues, we fear, to exert a mischievous influence. It will not surprise the reader, therefore, to learn, that under this state of things, the immigration of free persons generally, but especially those of the upper and more educated classes, was greatly retarded, if not altogether checked; while the attempt of the Governor to place the emancipated convict in a higher position than in the natural order of circumstances would have been accorded him, failed from want of caution and care. That it was a praiseworthy and philanthropic motive that actuated Colonel Macquarie will be readily allowed, and that it might have been, under more prudent management, more beneficially productive to the emancipists themselves, and the colony at large; that it was not wholly devoid of success, there are now remaining most gratifying evidences in the persons of emancipated landed proprietors and farmers of substance and repute. Indeed, as Dr. Lang says in his "Historical Account of New South Wales," when engaged with the same subject: "During the long course of his administration, Governor Macquarie did succeed in settling many families of emancipated convicts on small farms in various parts of the territory; as, for instance, along the banks of the Hawkesbury and Nepean rivers, and at the agricultural settlements of Campbell Town and Appin; and had subsequent events not re-

duced many of these families to debts and difficulties, and obliged them at last to sell their farms, the result would doubtless have been exceedingly pleasing to the eye of philanthropy."

The progress of discovery during Macquarie's administration has already been introduced in mentioning the settlement of Bathurst. It was also in his time that the now thickly settled plains of Argyle were originally discovered and located; the value of this last discovery was of immense importance at the time, owing to the pasturage ground then attainable being limited, in comparison to the increasing flocks and herds of the colonists; and it was only by meeting with natural supplies of land and herbage in the interior from time to time, as the extending and valuable flocks demanded more room and nurture, that the expectancy of colonial wealth from its sheep could be realized. This, perhaps, is the best opportunity which will offer of recording the origin of that trade in wool which has since become so important to New South Wales.

It was a few years only previous to the arrival of Governor Macquarie, that the value of Australian wool was decided. Mr. McArthur, who was the first and almost only person who for many years paid attention to sheep farming, was sent home about the year 1803, on account of his having incurred the anger of Governor King, in fact, sent out of the colony under a virtual sentence of banish-

ment. On his arrival in England, he displayed the samples of wool grown by himself in New South Wales to some brokers, who thought so highly of it, and foresaw the advantage which would accrue to Great Britain, if, by its extensive cultivation, the Australian fleece could be made to compete in the English market with the Spanish and Saxon article, that they interested themselves to obtain for Mr. McArthur the special favour of the Home Government. In consequence, when Mr. McArthur returned, as he shortly did, he received a large grant of land suitable to his grazing adventure, and a number of assigned servants sufficient for his purpose. He continued his operations with variable success at first, but ultimately with such profitable certainty, as to make sheep-farming the general pursuit of the colony. When Colonel Macquarie assumed the government, the number of sheep in the country was about twenty-five thousand, but at his departure it had increased to fully a hundred thousand, besides supplying for twelve years a very large item of local consumption. In the year 1819, the tenth year of his administration, the export in wool amounted to more than 70,000 lbs., at a value of at least £10,000 sterling. Such being the state of sheep-farming in the colony, it will easily be understood that every discovery of pasturage ground extended the prospects of wool-growers, and consequently that the dis of the plain pastoral country of Argyle

event of very considerable importance to the colonists.

It was during Macquarie's time that the government first entered on a systematic plan of forwarding the progress of discovery; and the labours of Mr. Oxley, the Surveyor-General of that period, were great as well as useful. "The Lachlan and Macquarie rivers, to the westward of the Blue Mountains, were traced in one of that officer's expeditions into the interior, and followed until lost in a vast swamp; the River Hastings, with a large extent of pastoral country to the westward called Liverpool Plains, was discovered to the northward; an agricultural penal settlement was formed at Emu Plains, a district lying at the eastern base of the Blue Mountains, as also were penal settlements at Newcastle on the mouth of the River Hunter, and at Port Macquarie on the mouth of the River Hastings."

Colonel Macquarie having administered the government in the manner which has been detailed, resigned it into the hands of his Sovereign in the year 1821, after a period of laborious service extending over twelve years. Colonel Macquarie died in 1824, but a few years after his retirement from public life, and his return to his native country.

SECTION VI.

GOVERNMENT OF SIR THOMAS BRISBANE.

So important had New South Wales grown, as a dependency of the British Crown, during the comparatively few years which have been reviewed in the preceding pages, that on the retirement of Colonel Macquarie, its government was entrusted to a titled officer of high rank in the army, and distinguished as much for his scientific acquirements as for his professional bravery. The sixth Governor of the colony was Major-General Sir Thomas Brisbane, K.C.B., a Scotchman by birth and extraction, who commenced his administration on the 1st of December, 1821.

At the time that Sir Thomas Brisbane came to the colony, the population exceeded twenty-three thousand souls, free and bond, with an ordinary revenue, arising out of its incipient commerce, amounting to about £5,000; this was, of course, exclusive of the large sums placed at his disposal by the British Treasury for the maintenance and management of the convicts, which must have equalled at least £200,000 per annum, taking the average annual cost per head at from £15 to £20 sterling, including all the expenses of management.

The impetus which the colony received during his predecessor's term of office, from the extension of its pastoral, agricultural and commercial capa-

bilities, had made New South Wales so much better known in England, as to render it at the time of Sir Thomas Brisbane's appointment, an opening field for free emigration from Britain; a character which has since grown so popular, as to have secured for it in 1843, not more than twenty years beyond the period of which we are writing, a free Representative Council, administering the legislature of the country to a population of one hundred and fifty thousand inhabitants.

To encourage the evidently growing opinion in favour of emigration to the colony, the British government held out inducements to respectable capitalists and men of family, in the shape of grants of land. It was expected that such emigrants would be able to employ convicts, whose expense to the treasury would in consequence be saved, and their gradual and safe reformation insured. These parties answered, we believe, all the expectations formed on the foregoing points, and first laid the basis of that industrious, respectable, and influential rural population, which Governor Macquarie had in vain tried to establish through the agency of the emancipists. In fact, so meagre was the state of tillage on the arrival of Sir Thomas Brisbane, that the country still habitually depended upon India for its grain. But so rapidly did cultivation increase with the increase of free immigrant capitalists from the mother country, that the penal agricultural settle-

ments, formed by Governor Macquarie at various eligible points, were speedily abandoned. The change, indeed, which followed in the moral, social, and commercial state of New South Wales demonstrated that the advice of Governor Phillip to make it from the first the abode of free settlers, who could employ the convicts, or government-men, was wise, and it proves that Governor Macquarie's belief that the colony would be most prosperous as the country consisted chiefly of emancipated proprietors, was erroneous, and injurious to its future political state.

It has been seen that the circumstances of the colony, when Sir Thomas Brisbane came, were highly propitious, and had it not been for the subsequently fatal measures of the government in regard to the monetary circulation of the country, would have led to the happiest issues for the credit of his management, and the advancement of the people. In an evil hour, however, Sir Thomas Brisbane was led to meddle with the currency by making the silver coin or dollars then frequently used, bear a high value in relation to the sterling coin of the realm. This was done with a view of making a market for the bills which the government was empowered to draw on the Treasury at home for the means of defraying the local expenses, and met with the fate which such shameful gambling, and interference on the part of the government deserved, for it tend

attach the greatest censure to the officials concerned. It would have been well if this were all that had resulted; but, unfortunately, it involved nearly all the farmers in distress and ruin, for in settling their accounts with rapacious agents, they had to sell their produce—which, owing to another measure we shall presently describe, was down at a very low price—to the merchant at Sydney, and receive payment in the depreciated currency, whilst the debts they had previously contracted, and which they trusted the value of their produce would have liquidated, were wrung out of them in sterling coin. It should have been previously mentioned, that the measure of the government had made sterling coin so valuable, that twenty-five shillings of the current dollars—declared of the value of three shillings and sixpence—went to purchase only one sovereign, or twenty shillings sterling, or the value of it, in a draft on the Treasury. At the very same time that this improvident result was effected by the government in the value of money, the distress consequent to the farmers was aggravated by the depreciation in the price of grain, occasioned by the refusal of the government to purchase produce, as heretofore, at the King's stores; and giving, as was before the custom, the value of it partly in money, and partly in the stores which were always kept on hand for the convicts and military in the colony. Many of the farmers had to part with their wheat at a trifling

rate, and to sell their effects afterwards to pay the balance against them in the general dealer's ledger, so that the depression became very general, and created what in a large commercial country would be called a "panic."

To consummate the monetary confusion prevalent, the next year's produce was thrown back by a drought, and whilst in former years grain was so low in value that a large quantity was wasted, the result was a threatened famine, and flour had to be imported at enormous cost from foreign ports.

These events which passed rapidly on during the years 1823 and 1824, tended, of course, to make Sir Thomas Brisbane particularly obnoxious and unpopular. Representations were made by his opponents of the want of judgment which he had betrayed in managing public affairs, and by the influence they exercised in England, Sir Thomas was recalled before he had entered the fifth year of his term of office. He went, we believe we are right in saying, without a regret or a good opinion.

During the government of Sir Thomas Brisbane, considerable progress was made in the way of discovery in the interior. In 1823, Captain Currie, in an expedition southerly in search of the upper part of the Murrumbidgee, a river which had been discovered wat the plains of the district of Argyle, came of grazing

country known now as the "Maneroo Plains," but which were originally designated the "Brisbane Downs." Messrs. Hovel and Hume, in 1824, made an overland journey to the north shore of Bass' Straits in the neighbourhood of Port Phillip, which subsequently led to the establishment of a penal station at Port Western contiguous to Port Phillip. In the beginning of 1825, Mr. Cunningham opened up the pasture grounds of Liverpool Plains to the northward, by finding a practicable pass in the dividing ranges from the district of the Upper Hunter, of which the settlers in those crowded parts gladly availed themselves; but the most important discovery made in Governor Brisbane's time was that of the Brisbane River, by Mr. Oxely, the Surveyor-General, while exploring Moreton Bay to the northward, and into which the Brisbane empties itself. This was in October, 1823, since which period, Moreton Bay has been occupied for many years as a penal settlement, but is now a free district.

SECTION VII.

GOVERNMENT OF LIEUTENANT-GENERAL DARLING.

Lieutenant-General Sir Ralph Darling, in succeeding Sir Thomas Brisbane, made the seventh of the successive Governors who had administered the affairs of the colony since its foundation. His

vice-regal sway commenced on the 19th of December, 1825, having arrived at Sydney only a few days after the departure of his predecessor.

According to the principles which govern the moral as well as the physical world, it need not occasion surprise, that a strong reaction, with regard to the public position and status in society of the emancipated convicts, took place in the opinion of government, and the free inhabitants during the administration of Sir Ralph Darling.

It will be remembered, that Governor Phillip had commenced in a quiet and judicious manner to encourage prisoners in a life of industrious occupation upon their becoming emancipated, by bestowing on them grants of land. In the reigns of his successors, the countenance of the Governors was on the whole favourable to that class, and this feeling of patronage increased until Colonel Macquarie's accession to the government, when it positively raised the emancipated portion of the colonists above that portion which had originally been, and remained, free. This Governor's partiality of opinion went so far as to induce him to check free immigration, in order to give the greater scope to the prisoners as they obtained their emancipation. The frequent complaints urged at home against his policy by the agents and friends of the free colonists, in all probability originated the instructions under which Governor Darling

professed to act in his severity towards the convict and emancipated population. This sudden change in the policy of the local government was naturally accompanied by those violent feelings and demonstrations which served amongst other causes to agitate and embitter the administration of Sir Ralph Darling.

The chief merit of this Governor's reign was the system of order and despatch which he introduced into the government departments,—a system which had been as much neglected by his predecessors as it has been unnecessarily loaded with forms and technicalities by his successors. An increase of forms was doubtless required by the enlargement of the various public departments, but it is a question whether in the first place the *employés* of the government were not far too numerous, and the machinery too expensive; and, in the second place, whether such a multiplicity of requisitions did not cause vexatious delays and inconvenience, particularly in the remoter districts of this extensive country and its scattered communities. The present elective council no sooner came into office, than agreeing with Lord John Russell in his frequent despatches recommending economy on the enormous cost of the colonial government, they set about the work of reduction in good earnest, and in dispensing with the services of numerous officials, simplified public

business, and kept its transactions within reasonable limits, obviating also many of its faulty and cumbersome adjuncts.

The chief fault of Governor Darling in administering the affairs of the colony, was his practice of intrenching himself within a spirit of stern and exclusive reserve, a fault which brought sycophants about him, who by their obsequiousness obtained power, until their reflection of his practical severity became oppressive, and iniquitous. The subserviency of such people, joined to their real activity and pretended zeal in carrying out the mandates of his will, was of course rewarded in various ways, until these rewards took the colour of favouritism and injustice. Thus grants of land, of convict labour, and lucrative monopolies within the control of government were freely made, until the Governor found himself highly unpopular, and laid the fulfilment of his duties open to the charges of jobbing and corruption.

So greatly had the free population of the country increased since the government of Macquarie, that at this time the amount of prisoners disposable for assignment was far in arrear of the demand amongst the settlers. Owing to the understanding that the country was supplied with an operative population from amongst the prisoners of the Crown, few, if any, of the humbler classes visited the colony, and those who did, after remaining

in service, chiefly as overseers for a short time, found means to start themselves in life independently of service to others. Indeed, it appears, from the tenor of the regulations on the subject of grants, that before an emigrant could obtain the land he applied for, he had to show that he either possessed five hundred pounds in hand, or had expended that sum in the emigration of himself, or of himself together with his family. This regulation naturally operated to exclude the emigration from England of parties with a smaller patrimony than that of five hundred pounds. Consequently, nearly the whole of the free emigrant colonists, besides the emancipated inhabitants, were employers of labour, and were applicants to government for assigned servants as well as land. It was this state of affairs, and the direction given to them by the executive, that occasioned the unpopularity of Sir Ralph Darling; for it was asserted, and not, apparently, without some foundation, that the greatest partiality and favouritism were shown in the distribution both of grants and of assigned servants. Of this fault we are willing wholly to acquit the Governor himself, but it must be imputed to him as blame-worthy, that he suffered his vigilance to sleep in regard to the misrepresentations and intrigues of some of the officials about him. There can be no doubt that numerous complaints can be established, as

to the quantity of prisoner-labour allowed to some colonists, and the almost total deprivation of labourers under which others suffered.

Another ground for reproach against the chief executive, originated with the capricious system adopted of forming roads through the country districts by the employment of prisoners. It was not always on the main, or arterial thoroughfares of the territory that public labour was expended, but on cross roads, which in many instances owed their formation solely to the selfish management of the large landed proprietors of the district. This is an abuse which continued, and until lately prevailed in Van Diemen's Land to a shameful extent. It arises generally from a sort of compact made between some officers of the colonial government, and their craving relatives and influential friends. It was an abuse which, consequent on the penal state of the colony, has in New South Wales gradually become extinct, partly from the reduction of the present establishment, and partly from the careful watch kept on the motions of government by a searching press at home and in the colony.

It was in Governor Darling's time, that the country felt for the first time the rapid changes effected in the moral and social world by the ex- ment and depression of commercial transactions, ges to which the country has again and again ject, wit bringing any accession of

prudence to the people from the lessons of past experience.

Almost at the commencement of this Governor's administration, a company was formed in Britain for carrying on the usual operations of a colonial settler's pursuits; only on a gigantic scale, and for the benefit of a great number of individuals. Agriculture and stock-breeding were the chief objects of the society, although mining for coals was added with considerable profit to the company, and benefit to the colony. Although the members, or shareholders in the capital stock of this association were just so many partners in a colonial farming and grazing concern, yet as it did not suit the taste or circumstances of any to emigrate to New South Wales, and take an active part in the proceedings, it was agreed to depute a manager, and appoint various necessary servants, who, being sent out to the colony, were to work the concern whilst resident there for the benefit of the shareholders. With the spirit of jobbing which for many years past has characterized these co-partnery schemes at home, the directory made berths or situations, with competent salaries attached, for the servants or officers appointed, and in whom a majority of the directors felt some private family interest. The capital of the association was raised in shares, nominally to the amount of a million sterling. As private parties obtained their grants of land, so this public company applied for a grant, and had several

grants given to them, in separate blocks, to the extent of a million and a half acres. The first grant, containing one million acres, was chosen by Mr. Dawson, the original agent, in the neighbourhood of Port Stephen, and the second some years after, encompassing six hundred thousand acres in the district of Liverpool Plains, and on the banks of the Peel River.

At the outset of its operations, the association, under the title of the "Australian Agricultural Company," despatched a number of clerks, agents, superintendents, and indented servants, under the charge of a principal agent, who was himself under the control of the colonial committee, composed of several resident gentry. Mr. Dawson, the first principal, was removed after a short period of service, and succeeded by Captain, Sir Edward Parry, the celebrated Polar navigator, at the enormous salary of £2000 per annum for seven years, and an annuity of £300 a year engaged to him upon his retirement. Sir Edward Parry was succeeded, in 1834, by Lieutenant-Colonel Dumaresq, under the grandiloquent title of Resident Commissioner, but upon a salary of only £700 a year. Upon the death of this highly esteemed colonist in 1837, the affairs of the company were placed under the management of Captain King, who continues to fill the situation.

It must be evident enough, that there could not be the same industry and spirit displayed by a

number of paid servants and officers, as if the operations had been in the hands of the proprietors themselves ;—at least, the result proves what other colonists anticipated from the first, and the company's concern although paying a large annual dividend, has been yearly reduced in its expenses, at the same time that the working part has been put into a more active shape, and the machinery greatly compressed.

It was the cumbersome nature of this machinery that assisted to retard the success of the Agricultural Company at their commencement, and to increase the system of extravagance and jobbery which marked its earliest operations. But if the comparative loss to the shareholders of the company had been all the injury the colony indirectly sustained through their operations, it would have been well for New South Wales generally in succeeding years.

The simple introduction, however, of its capital into a country, before that time comparatively poor, was the origin of the great commercial revolution which was just now alluded to. The agent of the company immediately set about carrying out the directions he had received, and purchased largely of the older proprietors sheep and cattle, wherewith to stock the company's immense grants.

The improving market thus opened for the disposal of surplus stock, considerably raised the value

of sheep and cattle. Parties who, previously to the arrival of the company's agents, only looked to their flocks and herds as affording a sort of patriarchal independence, discovered that they possessed a value which might be easily realized in money. Stock of all descriptions rose in price; and many who before were content to earn a livelihood for themselves and their families as plain farmers or cultivators, mortgaged their lands to buy stock; and those who had stock bought more, while several who saw the progressive value created from day to day, bought and sold on speculation.

As a very general confidence prevailed in these transactions, credit was facilitated: in the same ratio settlers continued purchasing far more than they could manage, and accumulated debts of which it ultimately became impossible to pay either principal or interest. It was imagined that the growth of the wool from the sheep of the colony was to produce perpetually a splendid income, and accordingly fine wool was sedulously cultivated, although whatever produce might have been expected from cattle and other stock, it was very generally neglected.

As is usual in such stages of fictitious prosperity, extravagance in social life followed upon the fancied attainment of riches, the manufactures of England were largely introduced, and a great variety of articles of consumption, which might have been produced in the country, with common industry

and patience, were flowingly imported and made use of on liberal credit.

During the years 1827, 1828, and 1829, the value of the imports rose from £362,324 to £570,000, and £601,004, falling again rapidly to £420,480 in 1830; and if the excess of imports over exports is to be taken as a criterion of commercial unsoundness, the value of exports for the same years will show a very heavy balance against the colony. The value of exports in 1827 was £70,314, leaving a deficiency of nearly £300,000! The value of exports in 1828 was £90,050, showing a deficiency of nearly £500,000!! The value of the exports in 1829 increased to £161,716, leaving still, however, a deficiency of nearly £450,000.

At length, however, the evil day arrived; the bills which had been circulated on the speculation of purchases in stock fell due and had to be paid. Buyers and sellers when they came to press each other, found how delusive had been their speculations: credit was shaken—confidence was lost—and a panic ensued.

To aggravate the distress of the colonists, both on account of pecuniary difficulties, and the regret which follows money wasted and time lost, a drought was afflicting the country, which, although from its commencing in 1827, and continuing through 1828 and 1829 was comparatively but little heeded, on account of the golden and extra-

vagant visions in which during those years the people indulged, yet oppressed them with a terrible weight at the close of 1829, and the beginning of 1830, when the sudden revulsion of affairs made men look around them with maddening reflections. When the drought commenced, they fancied they were in a position to neglect the cultivation of the soil for grain, to follow in search of the "golden fleece," and that they could then afford to import grain from Van Diemen's Land.

The importation of grain in 1828 was valued at £54,823, and in 1829 to £42,640. The lesson which was taught the colonists by their former folly revived agricultural industry, and their labour in 1830, joined to the return of propitious seasons, reduced the importation of grain in that year to the value of £23,344, and although it increased again the following year to £27,691, it was reduced in 1831 to £13,365.

It has been thought profitable to dwell at length upon the details and consequences of the first commercial revolution that took place in New South Wales, that its narration may be compared with those of similar eras which followed in 1836 and 1841. In all of these, but particularly during the last and present crisis, the punishment of foolish and extravagant speculation was severely felt by the colonists in spite of all the bitterness of former example and past experience.

Unfortunately, political excitement of a dan-

gerous tendency was going on during the same period, that is described as having been occupied by scenes of commercial speculation and highly wrought expectation. Two privates of the 57th regiment, then stationed in Sydney, committed a theft in the latter part of the year 1837, and on being tried and convicted, were sentenced to transportation for seven years. Shortly after their conviction, it came out that the theft had been designedly committed for the purpose of incurring the penalty of transportation, one of the convicted soldiers having himself determined to commit the crime, and having persuaded his partner in guilt to the same act, upon the plea that the life of a convict was preferable to that of a soldier in New South Wales. So dangerous a doctrine, Sir Ralph Darling resolved to punish and suppress by a solemn and striking example. By his authority as Commander of the Forces in the colony, conjointly with his authority as Governor, General Darling revoked the sentence of the civil court, and condemned the men to hard labour on the roads for a period of seven years.

They were then openly stripped of their regimentals in view of the whole soldiery of the town clothed in the prisoner's degraded garb, and exhibited for several hours in heavy manacles and iron collars. One of the men, overcome with anguish and despair, fell into a violent fever, which, heightened by the heat of the weather during

his exposure, sent him to the hospital as an invalid, where he died in a few days. This unlooked for termination of the Governor's example supplied the large body of free colonists, with whom his Excellency had long been unpopular, with a handle for severe animadversion. The man's punishment was denounced as intentionally cruel, and the lamentable end of the soldier was ascribed to a brutal and unfeeling disposition in the commander.

At this time the government possessed an organ in a local newspaper, called the "Sydney Gazette," and the manner in which it was recognized as an organ, was from its having a monopoly of all the government notices and advertisements. Since the establishment of a press in the colony, it appears that the government had been in the practice of publishing all the orders in council, and notices connected with the public business of the colony in the only paper then published in New South Wales, a species of patronage which converted the "Sydney Gazette," the oldest and only journal of the country, into a supporter of government policy, and an echo of the opinions of the Governor's party. This paper, then, at the earliest signs of disapprobation that appeared amongst the anti-government party, came forward to defend the act of Sir Ralph Darling, in a manner that betrayed not only servility to power, but was annoying and insulting to many respectable persons who held contrary opinions. The

circumstances of the case quickly called out the latent talents for agitation existing in their breasts, and became the means of bringing into existence two or three journals, avowedly supported by, and in the pay of the Governor's opponents. One of these was the "Australian," edited by Dr. Wardell, and another was the "Monitor," edited by Mr. E. S. Hall. Both papers immediately commenced a violent and vituperative warfare, which was met with equal warmth by the government organ, and as in its maintenance of the Governor's policy, it was openly countenanced by Sir Ralph Darling, his Excellency was himself greatly to blame for the indignities to which his name and office were subjected throughout the contest. General Darling, who both in his former government of the Isle of France, and that of New South Wales had exercised and continued to sway a most arbitrary authority, sanctioned by the colonial constitution, was sternly bent upon suppressing the offensive freedom of the newspapers opposed to himself, and accordingly enacted a law, by which editors, printers, and publishers of newspapers were obliged to enter into heavy recognizances for their good behaviour, and were submitted to the most galling surveillance. This law also provided a penalty of fine and imprisonment for a first conviction of libel, with confiscation and banishment for the second. So severe a measure only enraged his opponents to the last extreme, and caused the newspaper press

to be occupied as a violent arena for controversy, for and against the government during the remainder of his term of office.

Lieutenant-General Darling resigned the situation of Governor of New South Wales, and left the colony in October, 1831, his opponents continuing to the latest hour, previous to his departure, to assail him with the severity of their attacks; a spirit of opposition which must have become outrageous, if, as is said to be the case, Mrs., now Lady, Darling was insulted by some of its leaders. Subsequent to his arrival in England, General Darling was in 1835 impeached for malpractices on the repeatedly urged complaints of his enemies, particularly of Mr. Maurice O'Connell; but, upon investigation, he was honourably acquitted of the charges preferred, and made a knight by his Majesty William IV., in token of the undiminished confidence reposed in him by his Majesty's ministers.

During the whole of General Darling's administration, the legislative control of the government was in the hands of a council nominated by the Crown, who conjointly with the Governor, passed all laws for the welfare, peace, and good order of the colony. The Legislative Council was appointed in 1824, shortly before this Governor's term of office commenced, and consisted of fourteen members, seven of whom were officers of the Crown. The Legislative Council which w

originally given to New South Wales has been enlarged and amended, until it was lately fixed in its present shape of thirty-six members, twenty-four elected by the people, and twelve appointed by the Crown.

The progress of discovery during the period of which the political events have just been narrated, was both extensive and important. The great and oppressive drought which afflicted the colony for three years, as already mentioned, stimulated the government to fit out an expedition in search of a better watered and more available country than that which was already occupied. Captain Sturt, at present holding the office of Resident-Commissioner to the South Australian Company, at Adelaide, was appointed to conduct an expedition to survey the country about the great inland sea into which Mr. Oxley, the late Surveyor-General of the colony, had reported the Macquarie River as disemboguing; the inland sea was proved to be only an immense marsh about one hundred miles in circumference, at the northern edge of which the river made its re-appearance. On being traced, it was found to join another large river which was flowing in a south-westerly direction, at the time that the expedition was compelled to return.

In the year 1827, Mr. Allan Cunningham made his second journey to the northward, traversing the country which lies at the back of Moreton Bay,

and is now occupied by settlers, during which journey the Rivers Gwydir and Dumaresq were discovered.

Major Mitchell, the Surveyor-General of the colony, some time afterwards, having the direction of an expedition to the same quarter as that last referred to, ascertained that these two rivers flowed into the Darling. The further prosecution of his journey was, however, interrupted by a predatory attack of the natives.

CHAPTER II.

HISTORY OF THE COLONY OF NEW SOUTH WALES DURING THE GOVERNMENTS OF SIR RICHARD BOURKE AND SIR GEORGE GIPPS.

SECTION I.

INTRODUCTORY.

In accordance with the plan intimated in the commencement of the work, the present chapter will be devoted to the consideration, in detail, of the various and important measures adopted by the imperial and colonial governments from the year 1832 to 1844 inclusive, during which period the affairs of the colony had been administered by Major-General Sir Richard Bourke, and his Excellency Sir George Gipps. It has been considered advisable to allot a larger proportionate space to these administrations, because, not only has the ground been untraversed by any regular historian, but the capabilities of the colony have, during that period, been more fully developed; prospects for the future have been opened, the realization of which had pre-

viously been but remotely anticipated, if not considered altogether chimerical; and, above all, a constitution has been granted to the colony, which secures to us, in many important particulars, the privileges of a free people. We have received the first element of freedom—a Representative Legislature; a boon which, though in the opinion of many, it has been tardily conferred, and is of a limited character, cannot but be regarded as of the highest value, as being calculated to promote the growth of the enterprise, the education, and, it may be added, the religion of the community, for "freedom is the twin sister of virtue." If we had not attained our full political majority, we had at least arrived at that age when the analogy between men and states suggested, that we should have the privilege of choosing our own guardians; this privilege our imperial mother has, it may be with some reservations, accorded; and it is not without strong feelings of satisfaction that the present volumes are issued to the world, as the first History of New South Wales under our free Constitution.

Major-General Bourke arrived in the colony on the 2nd December, 1831, an interregnum of six weeks having elapsed since the departure of his predecessor, during which brief period the duties of Acting-Governor were discharged by Lieutenant-Governor Colonel Lindsay, of H.M. 39th regiment. It will be proper, before enter-

ing on the consideration of more momentous subjects, to notice a few minor points, which may convey to the reader an impression of the general character of Governor Bourke's administration, and which will prevent the necessity of subsequent digressions.

The colony, at the time of General Darling's resignation, was, and for some time past had been, in a state of excitement which affected both its political and commercial welfare. The causes of this excitement have been briefly mentioned; they are reducible to two; viz:—the undue interference of his Excellency with the public press; and his undue encouragement of one particular class of colonists, to the entire exclusion and positive hindrance of the other. The operation of both these causes very materially impeded the prosperity of the colony. Indeed, it could hardly have been otherwise; for, during the latter part of his administration, his Excellency was chiefly occupied in devising measures to restrain the freedom of the press, and in prosecuting those publishers who ventured to question either the soundness of his views, or the policy of his measures. He had, therefore, little time to attend to the more important affairs of his government; and he was so completely surrounded by the exclusive party, that scarcely any public measure was carried into effect of the slightest importance to the general advancement of the colony. In

short, feelings of [illegible] arising from [illegible] the highly [illegible] by his Excellency [illegible] community; [illegible] taken off, and [illegible] continuance of [illegible] minated in the [illegible] colony.

The arrival of a [illegible] hailed by the colonists with the [illegible] strations of satisfaction [illegible] colonial Governor [illegible] ment with such favourable [illegible] popularity and usefulness [illegible] on Major-General [illegible] were augured from [illegible] gratifying to state that the [illegible] disappointed. His Excellency [illegible] sess, in an eminent [illegible] character which distinguishes [illegible] bined with the public spirit [illegible] characterized the government [illegible] his accessibility, and [illegible] every beneficial [illegible] the prepossessions which [illegible] in his favour. The feverish [illegible] blood, aggravated as it has [illegible] regimen, attracted the [illegible] Excellency, who succeeded, by an [illegible]

ment, in restoring our political system to health and vigour. One of his first acts was to renounce all official connection with, or patronage of, the public press; and the editor of the "Sydney Gazette," assuming the style of the Moor of Venice, apostrophized his types and presses as follows:—

> "And oh! you mortal engines, whose rude *forms*
> The *Governor's* dread clamours counterfeit,
> Farewell! *Your master's occupation's gone!*"

The highest officer of the colony, the representative of the British Crown, was no longer under obligation, for a defence of his measures, to a hireling advocacy; those measures, as ought ever to be the case, were left to the weight of public opinion; nor did the impartial journalists, who canvassed them, fear any apprehension of an action for libel. The system of Spain, which permits every man to print what he pleases, so long as he does not speak of the government, the theatre, the markets, nor of the state of parties —a system scarcely more arbitrary than that pursued by General Darling—was decreed by General Bourke to be unsuited to the constitution of Britain, and not calculated to promote the welfare of British colonists. The train of adulators, therefore, at the printing office, were dismissed from Government House, having received an intimation from his Excellency that no more

crumbs were to be picked up under the table. The printing required by the government was thenceforth thrown open to the competition of the trade, and though for some years the trade was badly supplied with journeymen of steady character, this inconvenience was found less injurious than the system of monopoly and exclusion which had hitherto prevailed.

The colonists had long felt it a grievance, that the reporters of the press were denied admittance to the Legislative Council; but as that body, during the administration of General Bourke, consisted entirely of nominees of the Crown, it could hardly be expected that such a surveillance would be permitted. His Excellency, however, to remove as far as possible any just ground of complaint, was pleased to order that copies of the votes and proceedings of the legislative body should be sent regularly to all the newspapers of the colony, and that quarterly accounts of the colonial revenue and expenditure should also be published at the expense of the government. For this latter purpose, and also for the advertisements of land sales, and other government notices, the Government Gazette was issued from the press of the contractor for the government printing, and under the immediate control and superintendence of the Colonial Secretary. This conciliatory measure was most favourably received by the colonists, who perceived that, under the then Constitution of the colony, it

was not in his Excellency's power to concede any further facilities to the public.

His Excellency also exerted himself, as far as possible, to allay the feelings of jealousy which existed between the exclusive and emancipist parties. There can be no doubt that the management of these rival classes of colonists forms a great difficulty in the path of a Governor in New South Wales. Governor Macquarie had so openly identified himself with the emancipist interest, that he made no scruple in declaring that "the colony was intended for convicts, and that the emigrants had no business in it." This opinion, however, was not only unfounded in fact, but was highly injurious in its tendency. The avowed object of the imperial government in forming a settlement on the coast of Australia, was, besides ridding the mother country of a vast amount of criminals, and providing for their safe custody and punishment, "to form a British colony out of those materials which the *reformation* of these criminals might gradually supply to the government, *in addition to the families of free emigrants who might from time to time be induced to settle in the new territory.*"

This avowal of the imperial government, not only proves that the occupation of the lands in the new settlement by the free emigrants was contemplated from the very first, but appears to point out the proper light in which the emancipist

population ought to have been regarded. It was not the merely *emancipated*, but the *reformed* criminals, whom the government believed likely "to form a British colony." But, by a strange and lamentable oversight, free emigration was, for more than thirty years, not only neglected, but discouraged, on the unsound principle broached by Governor Macquarie; and the inevitable consequence was, that the emancipists grew up into a large, wealthy and influential body, who considered the free immigrants when they did arrive, as intruders, and vented their spleen in terms neither warrantable nor measured. The immigrants, on the other hand, naturally shrank from associating with men, who, though legally free, in many cases had not given evidence of a complete reformation of character, and who, besides, had manifested so hostile a spirit towards themselves.

In such a state of things, where one section of the community was at war with the other, the policy of Governor Darling, in identifying himself with the exclusive party, and dispensing the advantages at his disposal entirely among them, departed from the principle of impartiality not less than Governor Macquarie, who confined his patronage to the emancipists. Even Sir Thomas Brisbane, who was by no means a man of extremes, did not succeed in discovering the true mode of

procedure in this difficult business; for, after confining himself, during the greater portion of his administration to the exclusive party, he endeavoured to make amends to the emancipists, when the hour of his departure approached, not by conceding any important public benefit, but *by accepting their invitation to a public dinner.*

That such a continual cause of irritation should have been suffered to exist for so long a time, must be considered a matter of deep regret; and the more so, as a due encouragement of free emigration in the earlier years of the colony, would have effectually prevented the emancipist body, as such, from ever assuming the least political importance; while their gradual reformation would have been promoted by their dispersion over the territory, and their eventual capability of exercising the highest privileges of British subjects would have been secured. A contrary course had, however, been pursued; and at the time Major-General Bourke assumed the reins of government, the unhappy irritation which has been described, had risen to the highest pitch, contributing, with the other causes mentioned, to throw the whole social elements into a state of aggravated and most unhealthy fermentation. His Excellency, however, had discrimination enough to perceive the impolicy of recognizing any invidious distinctions; the benefits at his disposal were granted without reference

to party; and it soon became understood that merit was the only test by which applications would be decided. By a calm and impartial observance of this course, public confidence was restored; the feeling of hostility which had previously existed was gradually quelled, and it is earnestly to be hoped that no incautious step on the part of the government may ever revive it.

During the year 1832, Governor Bourke made a series of tours to the most important settlements in the colony, with a view of personally ascertaining their actual condition, and capabilities for future improvements. This judicious step tended greatly to strengthen his popularity, and the enthusiastic reception which he uniformly met, must have been highly gratifying to his feelings. Dr. Lang records, "that several miles from the settlement of Bathurst, all the respectable proprietors of the district met him on horseback, and escorted him to the settlement. His reception at Argyle was equally flattering; and the town of Maitland, at Hunter's River, was illuminated in honour of his visit."

It may also be of some advantage to mention in this place, that, from the best data which could be obtained, it appeared that the population of the colony in 1831 amounted to not less than fifty-five thousand souls. It is true, that the census taken in 1828 had exhibited a population of little more

than thirty-seven thousand; but there were circumstances which cast strong suspicions on the accuracy of that census;* and the calculation which has been adopted above is based on the censuses taken under the administration of Sir Thomas Brisbane, which gave the following results:—

Population of the colony in	1822	24,188
,, ,,	1823	28,333
,, ,,	1824	33,595
,, ,,	1825	36,366

showing an average increase of about four thousand per annum. Allowing the increase to have continued at the same ratio during the five years of Governor Darling's administration, the above estimate will not be found to exceed the probable truth.† The census taken in 1833, was managed with great judgment, and may, therefore, be relied

* The papers left by the district constables at each house required the householder to specify whether he had arrived free, or as a convict; a requisition which led to much falsification. In addition to this, the colonists were apprehensive of a poll-tax, and the returns consequently were in many cases incorrect. Many houses also were entirely omitted through the negligence of the constables.

† The increase of population by immigration was not so great under General Darling as under Sir Thomas Brisbane, but the number of marriages and births was so much greater, that the deficiency was probably supplied by this means.

on with some confidence. It exhibited the following result:—

Free males above 12 years of age	17,542	
Do. under do. . .	5,256	
		22,798 Total free males.
Free females above 12 years of age	8,522	
Do. under do. . .	4,931	
		13,453 Total free females.
		36,251 Total free persons.
Convict males . . .	21,845	
Convict females . . .	2,698	
		24,543 Total convicts.
		60,794 Grand total.

On considering the above table, two circumstances cannot fail to attract the attention: the disproportion between the male and female population, and the large number of convicts in proportion to the free population.* These facts show such a lamentable want of foresight on the part of the imperial government, that it cannot be a matter of surprise that the colony has hitherto held a low moral position, and that the office of a Governor is by no means an enviable one. According to the census of 1833, the number of free females above

* Even of the free population, at least, one half were emancipists; while of the convict a large number held "tickets of leave," that is, they were turned loose upon the colony, to gain a livelihood as best they might, and invested with the privilege of free subjects, until some new offence should bring them once more under the arm of the l

twelve years of age did not amount to one half the number of free males of corresponding years, while among the convicts, the proportion of females was not *one-tenth.* That crimes of the most flagrant and horrible character should exist among a population so constituted, might have been predicted by the merest tyro in political economy; and the fact, that, even after the large influx of free immigrants during Sir Thomas Brisbane's government, the number of convicts amounted to two-fifths of the whole population of the colony, is of itself sufficient to account for the preponderance of the emancipist class, and to show the difficult task which Major-General Bourke had to perform, in reconciling, or at least in preventing any undue clashing between the two great rival interests in the colony. There cannot be the least doubt that these considerations had great influence in inducing the imperial government to adopt the measure which forms the chief feature in the history of the period now under review, viz., the abandonment of the system of alienating the Crown lands by *grant*, and the substitution of the system of *sale at a minimum price;* the proceeds, after certain deductions, to be appropriated to the encouragement of free immigration. Subordinate to this measure, another was subsequently introduced, with a view of preventing the occupation of the unalienated Crown lands by unauthorized and improper persons. This was the issuing of depasturing licenses, the holders of which,

on payment of a fee of £10 per annum, became entitled to the use of the waste lands of the Crown, for the depasturing of as many sheep and cattle as they possessed. The sale and permissive occupancy of the Crown lands, form at present the grand topic of discussion among all circles interested in the affairs of the colony; and, as it is impossible to understand our political position aright, without an accurate knowledge of these important subjects, it is intended to exhibit them as fully as possible, and with that care and freedom from bias which questions of acknowledged difficulty demand. For the sake of convenience, these questions will be examined chronologically, and their history brought down to the present time (1844) before any others are discussed. The subjects of immigration, and the discontinuance of transportation, will be considered in succeeding sections. A section must also be reserved for a brief account of several minor measures introduced during the period under examination, and for a few remarks on the general character of Sir George Gipps' administration. This branch of our subject will conclude with a careful analysis of the first two sessions of the Representative Legislative Council.

SECTION II.

SALE AND OCCUPATION OF CROWN LANDS.

Previously to the year 1831, the disposal of land on behalf of the Crown appears to have been conducted in a manner sufficiently loose and irregular. The early Governors had followed the practice of granting sections of land to convicts on their emancipation—to such, at least, as were willing to accept them—a practice, which, though in some instances attended with good effects, was far from answering the benevolent expectations of those who recommended it.* If the mere possession of a section

* The error consisted in investing men with the rights of property, who could not be supposed to know the value of real property, or to have any respect to the privileges which it conferred; in short, in giving land to men who were ignorant of those acts by which land is made valuable. It is but just to the memory of the humane and enlightened Governor Phillip, to state, that his views were not carried out by his successors. On this subject, the following remarks of Dr. Lang, are worthy of attention: "I am decidedly of opinion, that Governor Macquarie's procedure in discouraging free emigration to New South Wales was impolitic, and preposterous in the extreme; and I am equally confident, that if the British Government had steadily followed up the prudent suggestions of Governor Phillip, by encouraging the emigration of free persons of reputable character in the earlier times of the colony, and by doing every thing that was requisite to promote their comfortable settlement throughout the territory; not only would the colony

of land could have operated as a Lethœan draught on the former habits and associations of the convict, and transmitted the leaden vices of the town into the golden virtues of the country—if, in short, to borrow the phrase of Governor Hunter, "pick-pockets could have been made farmers" by a dash of the Colonial Secretary's pen, no possible scheme could have been devised better calculated to develop the principle on which the colony was originally founded, nor could any scheme of colonization have been pronounced more eminently successful. But, unfortunately, the government, in spite of their blunders, were at length compelled to see that these grants of land did not possess alchymical powers; and, instead of contemplating wit h satisfaction the result of their political experiments, they were at

have raised grain sufficient for its own consumption at a much earlier period than it actually did, and thereby saved the enormous expense incurred by the frequent importations from India and Batavia, but flourishing agricultural settlements would have been gradually formed with the utmost facility, and at little or no expense to government, all over the territory: while the highly important proce ss of converting the prison population into an agricultural population, would have gone on progressively and successfully, and the British Government would have been saved the enormous expenditure incurred on the government and experimental farms of the colony—an expenditure which, I am fully persuaded, has proved of so little real benefit to the colony, as if the money had been thrown at once into the Pacific Ocean." — *Historical Account of New South Wales, vol. I. Cap.* 6.

length driven to adopt measures to counteract the evils which had their source in the rash and improvident policy which had previously been observed.

It was found that the reformation of the emancipated convicts was, generally speaking, as far distant as ever; while large and valuable portions of the Crown lands had been irrecoverably alienated, and which, after having been sold for rum, or mortgaged for one-tenth of their value, had gradually become the property of publicans and usurers. To such a course, it was high time to put a stop; and the first attempt to do this was made under Sir Thomas Brisbane, by granting land to free British capitalists, on condition of their maintaining a proportionate number of assigned convict servants. The Colonial executive, in fact, was utterly unable to find employment for the large number of convicts whom they were obliged to maintain, and the mother country was exposed to an enormous expense, for which not the slightest return was made. Accordingly, when the influx of immigrants commenced in 1821, any respectable person who would pledge himself to government to maintain a certain number of convict servants, might obtain without further trouble a grant of one hundred acres of land for every convict servant he so undertook to maintain. The result of this experiment showed at once the defects of the policy which had been previously pursued respecting the convict population, and the

lamentable manner in which the resources of this territory had been neglected.

In a few years, so ready were capitalists to avail themselves of these advantages, the Colonial executive found, that so far from the maintenance of the convicts being a burden, they had not enough to supply the demand for labour created by the influx of employers. Shortly after the arrival of General Darling, there were, at one time, applications for more than two thousand convict servants, which the Superintendent was unable to satisfy.

These results, however, not only opened the eyes of government to their previous mismanagement of the prisoners, but suggested an important source of revenue, which should assist in developing the prodigious resources of the colony. It was found, that so long as both land and labour could be had for asking, there was no scarcity of applicants; and if the supply of labour could have been kept up, there can be no doubt that a very large proportion of the Crown lands would have been alienated, while government would have received nothing in return, save the indirect relief afforded by the maintenance of the convicts.

As, therefore, the Crown lands could not be occupied without a supply of labour, and as labour could not be procured without funds to defray the expense of its importation, it appeared both necessary and just that an immigration fund should

be raised in some way or other from those lands which the imported labour was to render available; and this necessity, in addition to the considerations before alluded to, arising from the ill-balanced state of the population, compelled the government to place some restrictions on the "free-grant" system, and to introduce the principle of sale.* This was attempted to be done in a government order issued on the 5th September, 1826, which defined the terms on which the Crown lands would thereafter be granted or disposed of.

Persons desirous of obtaining grants of land were directed to apply to the Colonial Secretary, and to present, for the satisfaction of the Governor, evidence of their respectability.

If the applicant was approved, he was then furnished with a letter to the Colonial Land Board, appointed by the Governor, whose business it was to enquire into the amount and nature of the applicant's capital, which might consist of money, imported stock, agricultural implements, half-pay, pensions, or annuities, or might be compounded of some or all of these kinds of capital. The

"The object of the change of system introduced (in 1831) by Lord Ripon was, to remedy the great want of labour which was at that time complained of in the colony, by providing the pecuniary means of assisting emigration, and, at the same time preventing the undue dispersion of the emigrants."—*Despatch from Lord Glenelg to Sir George Gipps, No.* 176, *of the 9th August*, 1838.

object of government in instituting this inquiry was, to prevent persons obtaining more land than they could improve, and to prevent grantees disposing of their grants, a practice which was now made to incur the penalty of forfeiture. The Governor being satisfied of the *bonâ fide* character of the application, the Colonial Secretary furnished the applicant with a letter of recommendation to the Surveyor-General, from whom he received a written authority to search for land, "to the northward, from Cape Hawke, in a line due west to Wellington Valley, to the 33rd parallel of latitude, and thence due east to Campbell's River along its course to the southward, and so on to the latitude of Bateman's Bay." If the selection made were approved by the Governor, the applicant received a written authority from the Colonial Secretary to take possession, conditional, however, on the royal pleasure, which was necessary to render the grant valid. The tenure of the land so granted was in free and common socage, and at a quit-rent of five per cent. per annum, on the value of the land as fixed by the Land Board, payable *after* seven years authorized possession, the grantee being in the mean time bound to expend on the land one-fourth of its value, under penalty of forfeiture. The quit-rent might be redeemed by payment of twenty years purchase, within twenty-five years from the execution of the grant. The grant was to be in the proportion of one square mile for every five

hundred pounds of the applicant's capital, and was in no case to exceed two thousand five hundred and sixty acres, or four square miles. The personal residence on the land of the applicant, or a free overseer, was made an indispensable condition. The Crown also reserved the right of making roads and bridges, and of cutting timber and stone for public purposes. Other free grants were also made in consideration of *marriage* and of *military service*, under certain restrictions.

The above is an outline of what was called, " the free grant" system, which had existed, with various modifications, from the foundation of the colony. An attempt was made, however, though unsuccessfully, to introduce the principle of *sale*, in the following manner.

Persons who wished to purchase land were directed, by the same government notice of the 5th of September, 1826, to apply for leave, which having been obtained, the land selected was valued by the Land Board, and then put up for sale for one month, by proclamation, to be sold according to the royal instructions, at a value not less than that fixed by the Board. For the land, so advertised, sealed tenders were to be sent to the Colonial Secretary, and at the expiration of a month from the date of the proclamation, the tenders were to be opened in the presence of persons appointed by the Governor, and the land sold to the person making the highest tender, if approved by the Governor.

These lands also were to be held in free and common socage, at a yearly quit-rent of one peppercorn. No person, however, was permitted to purchase more than nine thousand six hundred acres, or fifteen square miles, without a special order from the Secretary of State, and the personal residence of the purchaser, or of a free agent, was an indispensable condition.

The purchases made under this regulation, were, however, very limited, and the system was by no means satisfactory to the public; accordingly, by a government order of the 21st of August, 1828, it was announced, that, by instructions from the Secretary of State, the Crown lands would in future be disposed of by public auction, no person being admitted a bidder without the Governor's permission. Not a single sale took place under this arrangement; and, at length, by a subsequent order of the 17th of August, 1829, the former order was declared to be suspended, and the Crown lands were reserved from sale.

No further attempt was made by government to effect sales of Crown lands until the arrival of Major-General Bourke. Four months previously, however, (on the 1st of August, 1831) a government order was issued, announcing that, from that time, all Crown lands, not appropriated to public purposes, should, either directly by the government, or on special application, "be put up in lots of one square mile each, and in some particular

cases, in smaller lots, for sale by public auction, at a minimum upset price of five shillings an acre, to be conveyed in fee-simple at a quit-rent of one peppercorn, subject to the road reserves, and to a reserve of all mines of coal and precious metals;" and all free persons were thenceforth permitted to purchase land to any extent whatever. These regulations were to apply to all lands within the limits open for selection, excepting town allotments, of which the minimum price varied from forty shillings to forty pounds an acre. With respect to some town allotments, in order to secure their speedy occupation by tradesmen, mechanics, and labourers, instead of being idly possessed by a few wealthy individuals, the purchase of such land was made conditional, on the erection within two years of a permanent building worth twenty pounds.

The mode of sale now adopted was found to give much greater satisfaction than the plans previously set forth, and large sales took place in consequence. The price fixed as the minimum, enabled the wool-growers to purchase large tracts of land, which were perfectly useless except for pastoral purposes, and which, in many cases, were valuable only as connecting one rich block of land with another. The withdrawal of all restrictions also operated favourably on the market, and for some years afterwards the sales proceeded rapidly and extensively. The colony rose in wealth and importance, and numbers of immigrants began to

arrive, the cost of whose transport was defrayed out of the Land Fund, which was thus called into existence.*

A subject of great importance now presents itself, to which it will be necessary to devote some space; viz.: the growth of the *squatting interest.* It must be borne in mind, that the lands open to the selection of purchasers were confined to those counties which had been surveyed by government, and which included a very small portion of the vast territory of New South Wales. To the westward and southward of these located districts, immense tracts lay altogether unoccupied—untrodden, save by the kangaroo, and the hardly more humanized Aboriginal. As the flocks and

* The following is a statement of the immigration which took place in the year 1832. Of immigrants who received no assistance from government, six hundred and seventy-nine men, two hundred and fifty-one women, two hundred and eighty-four children; total, twelve hundred and fourteen. Assistance was given by government in two ways; in the shape of an advance to tradesmen, with their wives and children, of whom four hundred and sixty-nine were thus enabled to emigrate in 1832, the amount advanced being £2759. But besides these advances, bounties to the amount of £2497. 6*s.* 9*d.* were paid for three hundred and twenty-one single women and two children, making a total for that year: of immigrants, two thousand and six; of sums paid, £5256. 6*s.* 9*d.* About the same number continued to arrive every year until 1837, when bounty immigration commenced on a more extensive plan. The number for 1836 was sixteen hundred and twenty-one.

herds of the settlers increased, the land which they had purchased within the boundaries was found inadequate to their support; and accordingly they were compelled to wander forth in search of more abundant pastures. These they readily found of boundless extent, and, in many parts, of great luxuriance; and the natural result has been that the flocks and herds of New South Wales wander over nearly half a million of square miles, and have increased to a degree which those who are unacquainted with its prodigious and peculiar resources find it difficult to believe possible. This occupation of the Crown lands without the boundaries, though not formally authorized by the authorities, was, nevertheless, connived at, because, in the first place, it would have been impossible to prevent it; and, in the second, it would have been impolitic to have attempted it, as the natural and only outlet for the fecundity of the sheep and cattle would have been closed, and the prosperity of the country effectually impeded. But, besides the flocks and herds belonging to the proprietors of land within the limits of location (*i. e.* the surveyed counties), vast numbers of cattle and sheep were depastured on these waste lands, which were the property, in some cases very dubiously acquired, of men who had no purchased land whatever, but who in the strict sense of the term were *squatters*. These men were too frequently of bad repute, many of them selling spirits privately, and harbouring

and encouraging bushrangers, and other desperate characters. Had the occupation beyond the limits been confined to the respectable proprietors within, government would have had less occasion to interfere; but the character of many of the squatters, and the necessity of obtaining some recognition of the title of the Crown, so as to render the future resumption of those lands easy, compelled Governor Bourke to give his attention to this subject.

It had for many years been customary to give to certain individuals, supposed to be of good character, "Tickets of Occupation," by virtue of which the holders were authorized temporarily to occupy unalienated lands of the Crown for grazing purposes. By a government notice of August 29th, 1826, all the tickets of occupation then in force were recalled, and it was announced: "that persons desirous of obtaining the temporary occupation of land for the purpose of grazing, would be required in future to pay a rent, at the rate of 20*s.* sterling, per annum, for every hundred acres; and further, to quit the same on receiving *six months* notice to that effect." A further notice was issued two years afterwards, by which settlers who held either by grant or purchase, were authorized "to occupy the unlocated Crown lands *immediately adjoining* their respective possessions, at a rent after the rate of 2*s.* 6*d.* per annum for every hundred acres; it being, however, clearly to be understood, that government reserved to itself the right of

of all lands occupied under this tenure, and to give possession of them to any other party, on giving *one month's* notice to the occupant. It is unnecessary to say, that abundance of occupiers were found on terms so easy as those proposed; but the resumption of the lands at a future period was not so easy. It was therefore found necessary, within twelve months from the date of the last-mentioned government notice, to provide by an Act of Council (10 Geo. IV. No. 6), "for the more effectual resumption of lands permitted to be occupied under the Crown, &c." The regulations of the 29th of August, 1826, and of the 16th of October, 1828, were revoked by a government notice of the 1st of August, 1831; and an extensive system of annual leases was introduced, under which the Crown lands were let by auction in sections of one square mile each, being put up at a minimum price of 20*s.* per section; the lands, however, being still open to purchase, and in the event of their being sold, to be surrendered by the lessee upon one month's notice. Subsequently, in the year 1841, *licenses* were granted in lieu of *leases*, but in a similar manner and on similar terms, and this system still exists *within the boundaries;* but it is to be feared that occasional instances of unauthorized occupation continue to occur, though the temptation is materially diminished. But if government found it difficult to prevent unauthorized occupation *within*, the case was a hundred-fold

worse beyond the boundaries, where no civil or military force existed, but where "every man did that which was right in his own eyes."

If, therefore, the government were to exercise any control over the extensive tracts referred to, the first obvious step was to establish some species of jurisdiction in and over them. With this view, the Act of Council (4 Gul. IV. No. 10) was passed, providing for the appointment of "Commissioners of Crown lands in the Colony of New South Wales," with power "to do and perform by, and under the direction of the Governor for, and on behalf of his Majesty, &c., in, upon, or in respect of any Crown lands in this colony, all such lawful acts, &c., for preventing intrusion, encroachment, and trespass thereon, or for such other purpose, as any bailiff or bailiffs, lawfully appointed, may by law do or perform, in, upon, or in respect of any lands, &c., of his, or their employer, or employers."

The commissioners were also empowered to make perambulations and surveys in any part of the colony, and to erect and maintain beacons and landmarks, of which the only object appears to have been to assert the title of the Crown, and to afford facilities for future and more regular surveys, when the land should in process of time be opened for sale.

That the "intrusion, encroachment and pass," however, were not materia
the commissioners thus appoint

evident from the despatch which Governor Bourke found it necessary to address, three years afterwards, to Lord Glenelg, then Secretary of State for the Colonies. This despatch is dated on the 10th October, 1835, and presents such a candid view of the question between the government and the squatters, that no apology is requisite for introducing a long extract.

It may be necessary to premise, that an official intimation had been received from the imperial government to the effect, that it was not desirable to allow the population to become more scattered than it then was, at the very time that an extensive and unauthorized occupation of a large portion of the district, now known as the Port Phillip district, by Mr. Batman and other individuals, had manifested to the colonial executive the futility of any measures for restraining such encroachments. In the previous year, Governor Bourke had made a personal excursion to Twofold Bay and the neighbouring country, and in the despatch just referred to, he thus writes:

"On the excursion alluded to, I found the greater part of the vast tract of fertile land lying between the county of St. Vincent and Twofold Bay, depastured by flocks and herds, attended by shepherds and stockmen; the pastures already contributing largely to the wealth of the colony, and exceeding in importance many of the districts where land is disposable by sale, or on lease. An

export of live stock from Twofold Bay to Van Diemen's Land had commenced, and is likely to increase, and a considerable supply of grain and other agricultural produce would, in all probability, be furnished from that district for the Sydney market, in the event of the land there being thrown open to purchase.

"Admitting, as every reasonable person must, that a certain degree of concentration is necessary for the advancement of wealth and civilization, and that it enables government to become at once efficient and economical, I cannot avoid perceiving the peculiarities which, in this colony, render it impolitic and even impossible to restrain dispersion within limits that would be expedient elsewhere. The wool of New South Wales forms at present, and is likely long to continue, its chief wealth. It is only by a free range over the wide expanse of native herbage which the colony affords, that the production of this staple article can be upheld, at its present rate of increase in quantity, a standard of value in quality. The proprietors of thousands of acres already find it necessary, equally with the poorer settlers, to send large flocks beyond the boundary of location to preserve them in health throughout the year. The colonists must otherwise restrain the increase, or endeavour to raise artificial food for their stock. Whilst natur presents all around an unlimited supply of t most wholesome nutriment, either course

seem a perverse rejection of the bounty of Providence, and the latter would certainly require more labour than can at present be obtained in the colony, or immigration profitably supply. Independently of these powerful reasons for allowing dispersion, it is not to be disguised that the government is unable to prevent it. No adequate measures could be resorted to for the general, and permanent removal of intruders from waste lands, without incurring probably a greater expense than would be sufficient to extend a large share of the control and protection of government over the country they desire to occupy. One principal objection to dispersion thus becomes as powerful against its restraint.

"I do not, however, mean to admit the claim of every wanderer in search of pasture to the protection of a civil or military force. The question I would beg leave to submit is simply this:—How may this government turn to the best advantage a state of things which it cannot wholly interdict?"

It may be interesting to show, that the same view of the general question of squatting was taken at a later period by Sir George Gipps, who, in a memorandum, enclosed to Lord John Russell the 19th December, 1840, thus writes:

"If the theory, by which it is sought to persons cultivate lands in Australia in the order of their advantages, be altog

of good, that which would seek to prevent the dispersion of the people, is only incapable of mischief, because it is utterly impossible to reduce it to practice. As well might it be attempted to confine the Arabs of the Desert within a circle traced upon their sands, as to confine the graziers or wool-growers of New South Wales within any bounds that can possibly be assigned to them; and as certainly as the Arabs would be starved, so also would the flocks and herds of New South Wales, if they were so confined, and the prosperity of the country be at an end. The time will come, if the colony continue to prosper, when it may be more desirable, that is to say, profitable, for a proprietor to improve the land he holds, so as to make its produce suffice for his increasing [illegible] to seek, as is the present practice, for new [illegible] in distant regions; but it may perhaps be wise to let this time arrive naturally, as it will [illegible] attempt to accelerate it by any [illegible] largest landholders of New South Wales [illegible] land enough of their own for their [illegible] scarcely a [illegible] of any property, who [illegible] cattle run, [illegible] station beyond the [illegible] that is to [illegible] the unalienated [illegible] Crown."

In a [illegible] patch of 1st [illegible] 1838, [illegible] observes:

"The [illegible] unauthorized [illegible] Crown [illegible] my serious [illegible]

and I trust I shall be able to adopt some measure that may moderate the evil complained of, without putting a weapon into the hands of selfishness or oppression. I had been in frequent consultation with Mr. Burton* on the subject.... and I hope to make a project, submitted by him, the groundwork of a Regulation or Act of Council, adapted to the necessity of the case.... The most desirable plan appears to be, to let or license the land at a small rent."

The plan merely hinted at in this despatch was more fully developed in the Act of Council (7 Gul. IV. No. 4) which was passed on the 29th of July of the succeeding year, 1836. Under this Act, licences were issued for the occupation of waste Crown lands, without the boundaries, to such applicants only as were approved by the commissioners of Crown lands for the district in which the lands were which the applicant sought to occupy; and heavy penalties were attached to the occupation of lands without such licenses. Within the boundaries, occupation was defined to mean, residence, or the erection of some kind of building, or the cultivating any part of the land; and this kind of occupation of waste lands was altogether forbidden on similar penalties to those fixed for unlicensed occupation beyond the boundaries. By

* His Honour, Mr. Justice Burton, then one of the puisne judges of the Supreme Court of New South Wales, recently promoted to the bench at Madras.

an oversight, leaseholders were not excepted from this prohibition, but this was amended in the year 1838.

These regulations continued in force until the 1st of July, 1839, the second year of Sir George Gipps' administration. The trial, which the colonists had made of the licensing system, had proved satisfactory, and no stock-holder of any pretension to respectability attempted to occupy the waste lands of the Crown without procuring a license. Several serious outrages, however, committed by the Aborigines upon the stations of the settlers beyond the boundaries having led to retaliation, and a system of warfare having sprung up, likely to lead to the most disastrous results, involving probably the entire and sanguinary extinction of all the native tribes, government found it necessary to establish a police force beyond the boundaries, and to discourage, in the most explicit manner, the retaliatory outrages alluded to. Accordingly, in an extraordinary session of the Legislative Council, the Act (2 Vict. No. 27) was passed, by which the commissioners of Crown lands acting beyond the boundaries were all made magistrates of the territory, and invested with extensive powers of summary jurisdiction, and provision was made for the establishment of a border police, by an assessment on stock, of one halfpenny a head for sheep, three-halfpence for cattle, and threepence for horses. The Act also provided, that any licensed party,

"convicted on the oath of any one or more credible witness or witnesses, of any felony, or of illegally selling fermented or spirituous liquors, or of wilfully harbouring any convict or felon illegally at large, or of any malicious injury or offence committed upon or against any Aboriginal native,* or other person, &c. &c.," should thereupon be de-

* In reference to this subject, the following notice was published:—"Colonial Secretary's office, Sydney, 21st of May, 1839. His Excellency the Governor desires to draw the attention of owners of stock throughout the colony, and of the public in general, to the extensive powers which, by an Act passed in a recent extraordinary session of the Legislative Council (2 Vic. No. 27) are now vested in the Commissioners of Lands acting beyond the boundaries of location, as well as to the fact that these commissioners are now magistrates of the territory; and, as one of the principal objects which the council had in view, in passing the Act referred to, was to put a stop to the atrocities which have of late been so extensively committed beyond the boundaries, both by the Aborigines and on them, his Excellency deems the present a proper occasion to notify to the public, that he has received distinct instructions from her Majesty's government to cause an inquest or inquiry to be instituted, in every case, wherein any of the Aboriginal inhabitants may have come to a violent death, in consequence of a collision with the white men; and that his Excellency is determined to make no distinction in such cases, whether the aggressors, or parties injured be of one or the other race, or colour, but to bring all, as far as may be in his power, to equal and indiscriminate justice. As human beings partaking of our common nature—as the Aboriginal possessors of the soil from which the wealth of the country has been principally derived—and as subjects

clared to have forfeited his license; and if such party continued to occupy the lands, his cattle

of the Queen, whose authority extends over every part of New Holland,—the natives of this country have an equal right with the people of European origin to the protection and assistance of the law of England. To allow either to injure or oppress the other, or to permit the stronger to regard the weaker party as aliens with whom a war can exist, and against whom they may exercise belligerent rights, is not less inconsistent with the spirit of that law, than it is at variance with the dictates of justice and humanity. The duties of the Commissioners of Crown lands, in respect to the Aborigines, will be, to cultivate, at all times, an amicable intercourse with them, to assist them in obtaining redress for any wrong to which they may be exposed, and particularly to prevent any interference on the part of white men with their women. On the other hand, they will make known to them the penalties to which they become liable by any act of aggression on the persons or properties of the colonists. They will endeavour to induce the chiefs in their respective districts to make themselves responsible for the good conduct of their tribes, and they will use every means in their power to acquire such personal influence over them, as may either prevent aggression, or ensure the immediate surrender of the parties who may be guilty of it. His Excellency thinks it right further to inform the public, that each succeeding despatch from the Secretary of State, marks, in an increasing degree, the importance which her Majesty's government, and no less the Parliament, and the people of Great Britain, attach to the just and humane treatment of the Aborigines of this country; and to declare most earnestly and solemnly his deep conviction, that there is no [illegible] or matter whatsoever, in which the interest, [illegible] the honour of the colonists are more essentially [illegible]

might be driven off by the commissioner and impounded. Any improvements effected upon Crown land depastured under the authority of a license were declared to be at the risk of the party holding the same; such land whenever it might be deemed expedient to extend the boundaries of location, being liable to be put up to competition at public auction in the same manner as other unalienated Crown lands.

By an Act passed June 23, 1841, the former Act was continued for five years, certain amendments being made in the details to increase its practical efficiency. A proclamation, however, issued by order of his Excellency, on the 2nd of April, 1844, has had the effect of renewing the discussion of the whole question of squatting, as well as of the sales of land. To this latter subject it will now be necessary to return; and that the subject may be placed before the reader in an intelligible light, it will be proper to recur to the state of the colony during the earlier years of Sir Richard Bourke's administration.

It is admitted by almost every one, that during those years the colony was in a healthy state. Her commerce was rapidly increasing; the various enterprises pursued by the colonists proved advantageous; and could that state of things have continued,—if capital, which was rapidly flowing into the country, had been left to its natural channels, without being forced into circ-

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pecting the sources from which permanent colonial prosperity must be derived.

The establishment of the Colony of South Australia was the first of those circumstances which may be mentioned, as having given a fictitious value to property in New South Wales. A full account of the settlement of this colony is not necessary in this place. It will be sufficient to remark here, that within a short period after the opening of the lands in that province to public competition, several thousand persons arrived on its shores, with a large amount of capital, either in money, bills, or merchandize. This capital they were unable immediately to employ in production, as the purchasers of land could not obtain possession until after tedious and lengthened delays; the only occupation of the labouring emigrant who had arrived there, being the erection of buildings on the ground appropriated for the site of Adelaide. During all this time, the colonists were obliged to import from the older colonies, a great variety of commodities, especially grain, cattle, sheep, horses, &c. The opening of this market proved a great stimulus to the enterprise of New South Wales, and to such an extent did our colonists avail themselves of it, that in our own market, wheat actually obtained thirty shillings a bushel, and sheep thirty shillings a head. While these prices could be procured, it is not surprising that speculators should have been found eager to purchase land, even

waste grazing land, at from three to four pounds an acre; and that arable land, if near a sea-port, should have readily obtained from eight to ten pounds. The price of everything, in fact, was as if South Australia, had been designed for ever to remain a consuming, instead of becoming a producing country,—an importer, instead of an exporter,—a dependent, instead of a rival.

There were, doubtless, other causes which combined with that just mentioned to excite speculation to an unnatural degree. An *apparently* boundless extent of land, at an *apparently* low minimum price, invited numerous British capitalists to our shores; who, without regarding the probable contingencies, vied with each other in adventure, so that the land office on a sale day, resembled some of the London Bubble offices of the last century, where patrician and plebeian trod on each other's heels in the general scramble for Fortunatus' Purse. The newly commenced system of immigration, also, appeared to render it probable that labour might be obtained to render the land available, and it was accordingly bought up greedily by the crowd of speculators, who were in general too eager to obtain a ticket in the lottery, to think of the possible blanks in the wheel.

Speculation being in this inflammatory state, another circumstance added fuel to the fire. Two banking companies, each with a capital of £750,000 were established in the colony; and large sums were

invested in mortgages, both by Indian and European capitalists. And as if that were not enough, the Treasury balances, which at this period amounted to a considerable sum,* were placed at interest in the banks, by whom, in order to make them profitable, they were disposed of in discounts and loans, thus creating an unnatural abundance of that which was already superabundant,—money. In the year 1837, however, Bounty Immigration was commenced on a larger scale; to defray the cost of which, the accumulated balances began to be withdrawn from the banks; and the banks in consequence were compelled to call in their loans. This contraction of the currency produced the first symptoms of that general and ruinous sacrifice of property which we have witnessed during the last three years.†

* The balance of general revenue remaining in the Treasury unappropriated on the 31st December, 1835, was £18,845. 2*s*. 7¼*d*. At the close of the year 1836, the disposable balance amounted to no less than £66,826. 8*s*. 5½*d*. The general revenue had, however, been aided by the unappropriated sum arising from Crown lands, and which amounted at the close of 1835, to £120,858. 15*s*. and at the close of 1836, to £126,034. 7*s*. 8*d*. In the year 1837, no part of the land revenue was transferred in aid of the general revenue, the amount of £44,731. 1*s*. 8½*d*. having been paid for the immigration of 2664 labourers; and the financial accounts of this year exhibited a great deficiency, the expenditure exceeding the receipts by £48,195. 12*s*. 3¼*d*.

† In the preparation of these remarks, the assistance derive

publish, at Port Phillip, a regulation fixing the same upset price of 12*s*., which had been fixed in South Australia; but to have made such a rule, would have been to insure the disappointing of every attempt to repress the growing evil. Port Phillip is part of the colony of New South Wales, and therefore fell naturally within the operation of the existing rule of that colony, which had fixed the price at 5*s*.; but even that price, had afforded an irresistible temptation to the unauthorized occupation of the soil. If Sir Richard Bourke had been instructed to consider that rule as applying, peremptorily and inflexibly, to the case of Port Phillip, he would have been destitute of any resource, in the highly probable contingency of the general refusal of the new community, to acquiesce in those terms. The Governor was, therefore, authorized to relax it, if he should find such relaxation indispensable, in order to arrest the evil of the unlicensed occupation of the newly explored territory, while he was to adhere to the spirit of the new regulation, which forbad the acquisition of any land in the colony, the title to which rested on no legal basis; it by no means follows that the upset price to be fixed in the first instance, is not hereafter to be increased; on the contrary, there is every reason to believe, that as the settlement advances, land will acquire a much higher value, and that the upset price will be consequently fixed at a proportionably higher rate."

that which is given to Portland Bay, Western Port, and Port Phillip, the emigrant labourers sent out to the new colony, will be drawn off until throughout the settled districts of the southern coast, the supply and the price of labour shall be equalized."

To the alarms, rather querulously expressed, of the Colonization Commissioners, Sir George Grey was instructed to reply, that the fact of the upset price in the southern district of New South Wales being only five shillings, was not a matter of choice with the government, but of necessity. The reply proceeds:—

"In the remoter part of the vast regions comprised within the range of the Australian colonies, the power of the law is unavoidably feeble, when opposed by the predominant inclinations of any large body of the people. In such a country, unpopular regulations, unless supported by a force, either of police or soldiery irresistible and overwhelming, must become little more than a dead letter."

Sir George then refers to the occupation of a part of Port Phillip by Mr. Batman, in 1835, which has already been mentioned, as a case in illustration of the "triumph of popular feeling over positive law;" and proceeds to state the measures adopted by government "for arresting the progress of those unauthorized settlements."

"It would have been easy," he

publish, at Port Phillip, a regulation fixing the same upset price of 12*s*., which had been fixed in South Australia; but to have made such a rule, would have been to insure the disappointing of every attempt to repress the growing evil. Port Phillip is part of the colony of New South Wales, and therefore fell naturally within the operation of the existing rule of that colony, which had fixed the price at 5*s*.; but even that price, had afforded an irresistible temptation to the unauthorized occupation of the soil. If Sir Richard Bourke had been instructed to consider that rule as applying, peremptorily and inflexibly, to the case of Port Phillip, he would have been destitute of any resource, in the highly probable contingency of the general refusal of the new community, to acquiesce in those terms. The Governor was, therefore, authorized to relax it, if he should find such relaxation indispensable, in order to arrest the evil of the unlicensed occupation of the newly explored territory, while he was to adhere to the spirit of the new regulation, which forbad the acquisition of any land in the colony, the title to which rested on no legal basis; it by no means follows that the upset price to be fixed in the first instance, is not hereafter to be increased; on the contrary, there is every reason to believe, that as the settlement advances, land will acquire a much higher value, and that the upset price will be consequently fixed at a proportionably higher rate:"

"It cannot be imagined," adds Sir George, "that any one has embarked his capital in the South Australian colony, in such ignorance of the state of affairs in that part of the world, as not to have prepared himself for the competition of unauthorized occupants of the soil on the surface of that vast continent....." "The responsibility, therefore, rests on the colonists themselves."

To the despatch of Lord Glenelg, Sir Richard Bourke replied in a despatch, dated 6th of September, 1837, expressing a very strong opinion against the policy of raising the minimum price. Any augmentation, his Excellency considered, would, practically be of little importance, "competition being always active enough to secure a full price, exceeding, in general, that which any public officer entrusted with their valuation, would be likely to place upon them." "It is probable," he adds, "that the sale by auction, prescribed by the existing regulations, applies to each case the surest criterion of value of which it admits." After referring to the existence of the class of persons familiarly known as *land sharks*, as a proof of the vigorous spirit of competition prevalent at the government sales, his Excellency proceeds:—

"If it be objected that such an effective competition as I have described, arising from increased population and wealth, in itself indicates the necessity of raising the minimum price of 1837 over that of 1831, I would observe, that the Crown

lands now in the market form only a surplus—in many cases they may be justly called a refuse—consisting of lands which in past years were not saleable at any price, and were not sought after even as free grants. As improvement and population penetrate through the colony, such lands begin to acquire a value, and there is a stage in this process in which they are saleable at the present minimum price of 5*s*. By declining in future to dispose of them at this rate, it by no means follows that they will be sold at a higher. The result may be to retain them for an indefinite time unsold; such a result as your Lordship appears fully aware, is the more likely, or rather certain, in consequence of the alternative at the settler's command, of wandering without authority or restraint with his flocks and herds over the vast tracts of the interior. A facility in acquiring the actual property in land at a low price, is the safest check to this practice; and it may here be observed, that the unauthorized occupiers of remote Crown lands, do not wholly consist of small flock-owners of slender means; but of the agents and shepherds of the wealthiest colonists residing within the limits of location, who are continually balancing between the opposite motives presented by the cheapness of unauthorized occupation on the one hand, and the desire of adding to their permanent property in land on the other. The extent of their purchases at the government s

corresponds with the prevalence of the latter motive; and it is easy to see that its influence must be weakened in proportion to the augmentation of the upset price.

But though I am convinced that in almost every case, the present value of land is obtained by means of the competition excited by public sales, yet it is possible that an augmentation of the minimum price would have the injurious effect of checking the immigration of persons possessed of small capital, desirous of establishing themselves upon land of their own. There are very few new comers who possess sufficient means to purchase at a price much above 5*s*., the large tract of land which in this country is absolutely necessary, even for the commencement of an ordinary grazing establishment. Again, the inducement offered to retired officers to settle in the colony, by obtaining land at the minimum price, would be much diminished if that price were raised. These officers, both as regards number and character, are no small acquisition to the rural population of the colony.

Apprehending, therefore, that to raise the upset price of Crown lands would introduce much of the mischief I have represented; believing also, that the influence of competition is becoming daily a more certain safeguard against the sale of any land below its just value; considering further the general impolicy of meddling, without imperative

necessity, with any established system affecting so nearly the foundations of property, especially with one which has been found hitherto to operate so advantageously, I am unable to recommend any change in the minimum price at which Crown lands are, under the present regulations, offered to sale by public auction in New South Wales."

Sir Richard Bourke was spared the mortification of having to carry into effect any regulations opposed to the public-spirited, and enlightened views of the despatch just quoted. Early in the year 1838, he returned to England, having administered the affairs of the colony during a period of six years, with great vigour and efficiency. The public regret for his departure was deep and unaffected; nor was it much alleviated by the flattering reports which heralded the arrival of his successor. Whatever gratification may be derived from the anticipation of a new friendship, we are seldom disposed to indulge in it while our hearts mourn for the termination of an old one. In a colony, a change of Governors is a serious event; the circumstances of the mother country afford no parallel case. There, a change in the executive government seldom takes place except in obedience to the voice of Parliament, without whose confidence and support no government could exist for a single Session. But in a colony, even where a Representative Legislature exists, the te office does not depend on the support

Legislature; the Governor may not be able to carry a single measure, and yet retain the control of the executive, nor would the operations of government be materially impeded, unless the supplies were stopped; the evil of which extreme measure would mainly fall, not on the officers of government, but on the colony. Such must ever be the case, so long as the mother country reserves all official appointments to herself, as a means of extending the patronage and influence of the Prime Minister. We colonists, in fact, are in the condition of the frogs of Æsop, being compelled to take such a King as Jupiter may choose to send us; we must beware of grumbling, if he send a log, lest haply he should send a stork. In the colony of New South Wales, in particular, the influence of a Governor is prodigious; and it is, therefore, a matter deeply interesting to us to know whether the opinions of the head of our executive, or rather of those who have placed him in that position, are favourable to the public views entertained by the majority of the colonists.

Such had, happily, been the case during the administration of Sir Richard Bourke; but his retirement, while so important a question as the minimum price of land remained unsettled, inspired the colonists with great alarm, lest our British rulers contemplated changes which would vitally affect their interests, and which the sound practical knowledge of the late Governor would not

permit him to sanction. He left us, long and painfully regretted; and while the humble monument which our poverty has permitted us to erect, is almost all that remains to keep alive within us the memory of his talents and of his virtues, it is to be feared that his own feelings must be, at best, of a mixed character. To a mind like his, animated by the purest benevolence, and distinguished by consummate sagacity, it cannot but be a source of regret, that his remonstrances failed to avert the calamities he foresaw, and that the land he loved so well, and for which he had laboured so anxiously, was sacrificed to a visionary and untried theory; while the only consolation remaining to him is, that while he was with us, he discharged his duty, and that in his absence he is spared the sight of the evil which has come upon us.

His Excellency Sir George Gipps, after having occupied himself during the first three months of his residence, in acquainting himself with the circumstances of the colony, called together a new Legislative Council on the 29th of May, 1838. In his opening address, however, not the slightest allusion was made to any projected changes in the existing regulations respecting the sale of land. And with respect to the licensing system his Excellency thus expressed himself: "I am fully impressed with the importance, in this pastoral country, of giving every fa[illegible]

occupation, under proper restrictions, of the vacant lands of the Crown, and I shall readily give my assent to any measure which, while it recognizes the rights of the Crown, may permit to the honest settler the occupation of these lands on easy terms, and at the same time exclude, as far as is possible, men of dissolute character, who now only seek to become occupiers of them for dishonest practices."

On the 16th of January, 1839, Sir George Gipps received instructions to raise the minimum price of Crown land from 5*s*. to 12*s*. per acre. The instructions were conveyed in a despatch, dated the 9th of August, 1838, in which Lord Glenelg gravely informs his Excellency, that "the time has now arrived when the interests of the colony (!) require that a considerably higher price should be affixed to land than that which was named by Lord Ripon as the minimum price in 1831, and which was clearly intended to be merely experimental." . . . . . "So far," continues his Lordship, "as regards the encouragement of emigration, the measure has to a considerable degree succeeded; but the extent of land which has been sold, and the increasing want of labour, affords decisive proof that the check, which it was intended to impose on the undue dispersion of the inhabitants of the colony, has not been sufficient. It is only by raising the minimum price of land, or by restricting the

quantity offered for sale, that the end in view can be obtained; because in the present circumstances of the colony, though competition may determine the relative value of different allotments of land, while more is offered for sale than can be profitably occupied, it is obvious that the minimum price demanded by the government will determine the saleable value of land which has no peculiar advantages, either from its neighbourhood to a market, or from its natural fertility."

On receipt of these instructions, a government notice was immediately issued announcing the change; and it is unnecessary to remark, that the greatest dissatisfaction was exhibited on the part of the colonists, while his Excellency, who was charged with giving effect to the new regulation, found his position the very reverse of agreeable. The notice, as first issued, included all lands, whether previously advertised at a lower rate or not, his Excellency having understood Lord Glenelg's instructions as peremptory; but, as it subsequently appeared that the Lieutenant-Governor of Van Diemen's Land (Sir John Franklin) had taken a different view, a second notice was issued, announcing that the rise in the minimum price would not affect any lands previously advertised at a lower rate. The amou thus advertised amounted to not less than th hundred thousand acres. The effect prodt

by the expected rise on the land sales is thus intimated by Sir George Gipps, in a despatch dated April 1, 1839, acknowledging the receipt of Lord Glenelg's instructions:—

"I have delayed writing to your Lordship on this subject, until I could report the effect which the expected rise (for it is as yet only an expected rise) in the minimum price of land has had upon our land sales. Two sales have taken place since the receipt of the order; one on the 13th February, the other on the 13th March. Abstracting from each sale the land which, on account of its superior situation or fertility, would have commanded a high price under any circumstances, I find that, on the 13th February, twenty one thousand eight hundred and seven acres of ordinary land, put up at 5*s.* per acre, sold for the sum of £6,827, being at the rate only of 6*s.* $3\frac{2}{3}d.$ per acre; and that, on the 13th March, fifty-four thousand three hundred and forty-eight acres sold for £14,118, or at the rate of only 5*s.* $2\frac{1}{2}d.$ per acre.

"These results would seem to show either that, in the present state of the Colony, the ordinary Lands of it are not worth more than 5*s.* per acre, or that there is, for the present, a determination on the part of the public not to give a higher price for it.

"These results are, however, I should observe, exclusive of Port Phillip, where fifteen thousand

five hundred and seventy-six acres were sold, on the 13th February, for £10,272, or at an average of 13*s.* 4¼*d.* per acre."

The principal effect of the change appears to have been to divert speculation from country lands to town allotments. During the whole year 1839, though it was known that the period within which lands would be put up at 5*s.* was approaching to a close, and though a considerable quantity of land was actually advertized at 12*s.*, the average price per acre obtained for country lands was 8*s.* 1¾*d.*; while that obtained for town allotments was £29. 0*s.* 11¼*d.* In Port Phillip, which had now become the great arena of land speculation, the following averages were obtained; viz: country lands, 31*s.* 11*d.*; town allotments, £137. 19*s.* The attractions of Port Phillip caused a prodigious influx of British capital, which was rapidly, and in most cases, ruinously invested in the purchase of land.* The imperial government

* "To what cause do you attribute the superior prices obtained at Port Phillip to those obtained for land in the located districts of New South Wales?"—"I do not consider the prices, realized for lands, sold at Port Phillip, as so extraordinarily high when fully considered. The impression in England, that Port Phillip is not a pen colony, taken together with what I consider the exaggerated statements made to the Transportation C mittee, induced many persons of large capital to Port Phillip a preference. Taking the proximity of Diemen's Land, and its limited territory into consi

seem, however, to have shut their eyes to the future, and to have thought only of the golden eggs without regard to the life of the goose; for before Sir George Gipps' report on the first change had reached Downing Street, we find fresh instructions on their way from the Marquis of Normanby, who had succeeded Lord Glenelg in the Colonial Office. "I have not yet," says his Lordship, "received from you any report on the subject; but in the mean time it appears to me to be desirable, as Port Phillip is so attractive to settlers, to place the highest minimum price on land there, which may be compatible with the objects contemplated in my predecessor's despatch."

Before the middle of the succeeding year, the purchase of country lands was almost suspended, while the rage for town allotments increased.*

the capitalists of both colonies have been brought into competition with those from England; and the competition has been confined to either a comparatively small area of incalculable value, from its proximity to a sea-port, the geographical and commercial capabilities of which are not second even to Sydney. Again, it must be remembered, that all the corresponding and most desirable sites in the older colonies were long since granted to the early settlers."—*Evidence of P. L. Campbell, Esq., Acting-Colonial Treasurer, before Immigration Committee, Question* 80, *July* 28, 1840.

* Town allotments in Sydney have been sometimes sold for enormous sums. At the corner of George and

In the year 1840, the average price obtained for town allotments in the older parts of the colony was £69. 3*s*. 7¾*d*. per acre; and in Port Phillip the average was £487. 16*s*. 2*d*. per acre; whilst it is a fact, that in the month of June of the same year, "Twenty-nine thousand acres of, perhaps, the finest land in New Holland, and in the immediate vicinity of Melbourne, Port Phillip, put up at 12*s*. an acre, was not bid for."*

Bridge Streets, a plot containing sixteen hundred and thirty two superficial feet was sold, on the 28th February, 1834, for £680, or at the rate of £18,150 per acre. In the same year, at the corner of King and George Streets, 2205¾ superficial feet sold at £55. 10*s*. per foot of frontage, or at the rate of £27,928 per acre. On the 15th August, 1839, a plot of six perches was sold for £413, without competition. In 1840, one small allotment was sold at the enormous rate of £40,000 per acre. Scarcely any Crown land remains to be disposed of in Sydney, and the sales alluded to in the text were chiefly effected in the more recent towns.

* The following passages throw much light on the subject. *Evidence of P. L. Campbell, Esq., &c. Question* 30.—"Do you think that the increased minimum price put upon town allotments, has had a similar effect upon the sale of such allotments?"—"Certainly not; and one reason is, that the great scarcity of labour, and the increased minimum price of the pasturage lands, has made persons fearful of purchasing stock; they have, therefore, invested their money extensively in the purchase of town allotments."

Question 10.—"Including (query *excluding?*) Po-

The imperial government were determined, however, to proceed still further. On the 10th of January, 1840, a Board of Commissioners was appointed by her Majesty for superintending the sale and settlement of the waste lands of the Crown in the British colonies, and the conveyance

Phillip, do you think there is a reasonable prospect that the sales of land, within the old limits of location, will produce a sufficient sum for the purposes of emigration?" —"Most certainly not, or, indeed, anything near it. From the system hitherto pursued in the colony—first by granting, and next by selling only the lands applied for, the best part of the tracts, and the command of the water-courses, have been disposed of; consequently, there are large tracts of country of no use to any but particular individuals, and hence of no value, except what they derive from the estate to which they adjoin. Were these brought fairly within the means of the persons to whom alone they are of use, at a reasonable rate, a considerable revenue might be raised. The average value of these lands, however, I should say to be less than 5*s*. an acre."

Question 16.—"What is your opinion as to the effect of this system (the Licensed Squatting system) in checking the sale, and probably curtailing the receipts of the Land Revenue?"—"In the first instance, it diminishes the extent of sales of Crown lands within the present limits; but ultimately, the Land Revenues are enriched by it. Because I am satisfied that the permission to occupy lands beyond the boundaries has enriched, and will enrich, a large number of persons—particularly those who have arrived with small capital—it enables them ultimately to purchase land, and has, in a great measure produced the large sums which have been paid for lands in the towns."

of emigrants thither, under the title of "the Colonial Land and Emigration Board;" and on the 5th of December following, Sir George Gipps communicated to the Legislative Council that he had received an Additional Instruction, under the royal signet and sign manual, dated May 23, 1840, and therewith a despatch from the Secretary of State for the Colonies, dated May 31, 1840, containing directions, issued on the recommendation of the Colonial Land and Emigration Board; in pursuance of which, the territory of New South Wales was, for all purposes connected with the disposal of land, divided into three distinct portions or districts, under the names of the Northern, the Middle or Sydney, and the Southern or Port Phillip districts.

With respect to the Middle district, no change was proposed by those instructions. But in the Southern district, the following system was to be adopted, and extended, after a time, to the Northern district:—All country lands not required for public purposes, except certain allotments, (for public works, &c., &c.,) were, after survey, to be open to purchase, in certain lots, *at one uniform price*, then fixed at a pound an acre. Purchases were to be made at the Land Office, and the money paid into the local treasury of the district. Purchasers, however, from the United Kingdom, were allowed to deposit money with the Colonial Agent-General and became thereupon entitled to an order f

the commissioners, giving them credit for land in a corresponding sum; and such purchasers were allowed to bring out to the colony a proportionate number of bounty labourers.

No sooner were these regulations made known, than a motion was made in the Legislative Council by the Lord Bishop of Australia, that a petition should be forwarded from the Council to her Majesty, praying that the boundaries assigned to the Middle district might be re-considered, the petitioners entertaining fears, that, in the event of the Northern and Southern districts being erected (as was apparently intended) into separate colonies, the interests of the Middle district would be materially and prejudicially affected. Alarm was also entertained by the holders of depasturing licenses beyond the boundaries, that the system of disposing of the Crown lands at a uniform price might render them liable to be dispossessed at a moment's warning. It was true, that the squatters had never been led to suppose that their tenure was of a permanent character; they had always been aware, that, at some future time, they must either relinquish or purchase them; but, at the same time, they had also been led to hope, that they would receive some reasonable notice of the intention of government to dispossess them—that the lands would be opened gradually by government, and not brought into the market at the caprice of individuals—and that, under any cir-

cumstances, they would have a fair chance with others of purchasing at a public auction. The importance of the body from whom this complaint emanated may be estimated from the fact that the sheep and cattle depastured beyond the boundaries are the chief source of colonial wealth. "The quantity of cattle," says Sir George Gipps, in a despatch of December 19, 1840, "depastured beyond the boundaries of location, or beyond what may be called the shireland of New South Wales, was, on the 31st of December, 1839, 371,699 horned cattle; 1,334,593 sheep; 7,088 horses; and the number of persons of European origin, employed in herding or tending of the same, was 7,287."

In transmitting the petition of the Legislative Council to the Queen, his Excellency forwarded at the same time, a "Memorandum on the disposal of lands in the Australian Provinces," which is perhaps, one of the ablest papers on the subject. In this memorandum, Sir George combated the doctrine of a uniform fixed price, which he showed to be a highly impolitic method of disposing of the lands of the Crown, as it not only deprived the revenue of the benefit of competition, but appeared calculated to produce the greatest confusion. A very masterly despatch was also forwarded by his Excellency on the 1st of February following, deprecating the establishment of three separate Land Funds in the same colony.

The representations of the colonists on this occasion were not fruitlessly made. And it happened fortunately, that, at the very time those representations were on their way to Downing Street, the affairs of South Australia (from the colonization commissioners of which colony the notion of a uniform price was borrowed) engaged the attention of a select committee of the House of Commons. The report of that committee tended to confirm the views of Sir George Gipps, and the result was, that Additional Instructions, dated August 21, 1841, were issued, revoking the former instructions, and restoring the system of sales by auction throughout the whole of the colony. A clause, however, was added, giving power to any person to purchase, at a future time, and at the upset price, lands which had been put up to auction and not sold; provided, that the same lands had not, in the mean time, been again advertised by the Governor.

But whatever hopes the colonists might have formed, from the deference to their representations shown on this occasion by her Majesty's government, were destined to be of short continuance. Shortly after the date of the Additional Instructions just mentioned, the reader will doubtless recollect that Sir Robert Peel received her Majesty's commands for the formation of a new administration; and Lord Stanley, who had filled the office of Secretary for the Colonies, in the earlier part

of Lord Melbourne's government, was now requested to resume his important duties.

In a despatch to Sir George Gipps, of the 18th of October, 1841, Lord Stanley transmitted a report of the Colonial Land and Emigration Commissioners, containing various recommendations explanatory of the royal instructions of the 21st of August. His Lordship also intimated his intention of submitting to Parliament a measure for the regulation of the sale of land in the Australian colonies generally; and, in the meantime, left it to his Excellency's discretion to fix the upset price of lands, not in the Port Phillip district, at any sum not under 12*s.* per acre, accompanying that permission, however, with a strong expression of opinion, that in the majority of cases, 20*s.* might fairly and safely be assigned.

"In the Port Phillip district," said his Lordship, "you will not consider yourself authorised to reduce the upset price below 20*s.*; and, in speaking of that district, you will understand me to include the whole of the land bounded by a line drawn from Cape Howe along the south-west boundary of the Maneroo district to the head of the Murray, and thence along the Murray to the frontier of South Australia."

No further intimations were received from imperial government on the subject of of lands until early in the year 1 famous Act (5 and 6 Vict. c. 36)

colony, confirming the hints conveyed in Lord Stanley's former despatch, and fixing the minimum price of all Crown lands at 20*s.* an acre. The History of the Land Revenue closes with the arrival of this Act; and, perhaps, before proceeding to other matters, this may be the most convenient place for presenting a tabular view of "its rise and fall."

RETURN of the AMOUNTS received from the SALE of CROWN LANDS in the colony of New South Wales, including the district of Port Phillip, from the year 1824 to 1842 inclusive.*

YEAR.	AMOUNT.		
	£	*s.*	*d.*
1824 . . .	279	17	9½
1825 . . .	5,548	14	10
1826 . . .	2,596	2	6
1827 . . .	2,274	11	7
1828 . . .	5,004	19	2
1829 . . .	2,710	15	0
1830 . . .	943	5	10
1831 . . .	2,597	1	10
1832† . . .	12,509	13	10
1833 . . .	24,956	1	1
1834 . . .	41,844	9	1
1835 . . .	80,784	14	6

* Vide Votes and Proceedings of Legislative Council, 1843, p. 458.

† In the year 1832, it will be remembered that the system of sale by auction, at a minimum price of 5*s.* an acre, first came into operation.

YEAR.	AMOUNT. £	s.	d.
1836 . . .	126,458	16	0
1837 . . .	120,427	0	5
1838 . . .	116,324	18	11
1839* . . .	152,962	16	4
1840 . . .	316,626	7	5
1841 . . .	90,387	16	10
1842 . . .	14,574	10	4
Grand total . . .	£1,119,812	13	3½

The Act (5 and 6 Vict. c. 36) was intended to establish the system of selling land in the Australian colonies on a permanent principle; and, with this object, her Majesty was advised to relinquish her prerogative in the disposal of land, and to transfer the whole responsibility to Parliament, thus affording a guarantee "for stability and consistency of purpose." In this respect, it cannot be doubted

* In the year 1839, the minimum price was raised to 12*s.* an acre. It will be perceived, that in the two years preceding, a slight diminution in the proceeds took place. In explanation of this, it may be mentioned that the best lands had been disposed of, and those which remained were chiefly valuable on account of their connection with other estates. The rise in the price produced a mania for town allotments, which was at its height in 1840, the land revenue for which year more than doubled that of any previous year. Of course the chief sales for these latter years were effected in the Port Phillip district.

The return of land sales for 1843 had not been procured when the above table was prepared. The amount exhibits a considerable decrease on the preceding year, being £11,297. 3*s.* 9*d.*

that a change was made for the better; and the same remark may be applied to many of the provisions of the Act, which is drawn up with great care. But the grand legislative blunder consisted in the enactment, "that no waste land of the Crown shall ever be sold at less than 20*s*. an acre." By means of this provision, the Act has been rendered abortive, and the clauses determining the mode in which the land revenue should be appropriated, appear, if a homely comparison may be admitted, not slightly to resemble the calculations of a farmer's wife on the number of her unhatched chickens.

The grounds on which the pound-an-acre system was adopted, are thus stated by Lord Stanley in his despatch to Sir George Gipps, of September 15, 1842, accompanying the Act of Parliament:—

"In fixing this sum, her Majesty's government have not proceeded on the assumption that the whole of the land in the colony under your government, which may be profitably occupied, would, if offered for sale, realize, or is worth, at the present moment, that price; they are aware that there are large tracts now occupied for grazing purposes of a value inferior to the standard thus adopted; and by the provisions of the 17th section, care has been taken to relieve you from the necessity of attempting to force sales of such land, by enabling you to draw a revenue from its permissive occupation;

nor is it to such tracts only that her Majesty's government are aware the price of 20*s*. per acre is at present inapplicable. They are conscious that the same observation would apply to many portions of the more settled and richer districts. These circumstances, however, do not appear to them to militate against the course they have taken on this subject; on the contrary, they consider it desirable that the more fertile and valuable portions of land in the colony should be first brought into cultivation, trusting to the operation of progressive settlement, to render saleable hereafter many qualities of land not at present of a marketable value."

In the year 1843, the colony of New South Wales received a new Constitution, the element of representation being admitted into her legislature. To an analysis of the proceedings of the new Legislative Council a future section will be devoted; and as the questions connected with the sale and occupation of Crown lands will necessarily come under review during that analysis, the further discussion of those subjects will for the present be suspended, as there are other very important questions whose history it is desirable to bring up to the same point.

SECTION III.

IMMIGRATION.

THE subject of immigration is so intimately connected with the prosperity of colonies in general, and occupies so prominent a place in the History of New South Wales during the last thirteen years, that it becomes entitled to a large share of attention. An account of the various methods which have been successively pursued, with the design of replenishing this portion of the earth with an industrious and virtuous population, and of the causes which have impeded the full and satisfactory accomplishment of that design, will form an essential, and, it is hoped, not the least acceptable portion of the present work. The enquiries connected with the subject will be grateful to the historian, who cannot fail to trace with interest the development of a principle, capable of producing such important results to the land of his adoption; and it may be supposed, that the reader also will feel it a relief to pass from the consideration of intricate questions of revenue, to details which admit of being presented in a more narrative form.

The successive reports of the committees on immigration appointed by the Legislative Council, with the minutes of evidence, and the various documents printed by authority of government,

are the authentic sources from which information has been derived.

It will have been gathered from the preceding pages, that the subject of immigration was forced upon the attention of the colonial government by two circumstances,—the disproportion of the sexes, and the failure of the convict-assignment system in supplying the demand for labour, thus retarding the development of the resources of the country. To restore the balance of the sexes was an object of the highest importance to the moral advancement of the colony; while, in the peopling and consequent subjugation of the vast and pathless wilds of Australia, the political economist recognized the elements of future commercial greatness. On both these grounds, the colonists anticipated the most beneficial results from immigration; while the population of the mother country, in the year 1830, had increased to such an extent, and the agricultural districts, in consequence, suffered such severe depression, that the imperial government were fully prepared to adopt measures, which would not only further the views of the colonists, but would also relieve the parishes of Great Britain from a burden, rapidly becoming intolerable.

In the early part of the year 1831, the Earl of Ripon, then Viscount Goderich, Secretary of State for the Colonies, directed the attention of Governor Darling to the subject, and

report upon " the means which the colony might possess of contributing towards the expenses of the contemplated measure," that is, " of relieving the distress prevailing among the agricultural labourers in the south of England, by enabling the parishes to remove those who were out of employment to the colonies." It was suggested by his Lordship, that, by an extended system of land sales, by a tax upon convict labour, and by the aid of advances from settlers whose demand for labour was most urgent, the required means might be found.

As inducements to the settlers to assist in promoting the objects of government, not only were the services of the emigrants to be secured to them for a definite period, but an abatement was offered from the quit-rents reserved upon their lands, in proportion to the number of labourers whom they might enable to emigrate.

The great distance of Australia, however, formed an obstacle of serious magnitude; and it was necessary to devise means for overcoming it, as the parishes naturally preferred sending their surplus population to North America, which was within one-fifth of the distance. It was, therefore, proposed by the Secretary of State, that a portion of the revenue arising from the sales of land in New South Wales and Van Diemen's Land, should be advanced by way of loan to female emigrants to these colonies, to assist them in paying for

their passage. It subsequently appeared that the amount available for the ensuing year was estimated at £10,000; and the appropriation of this sum in the way proposed was sanctioned by the Lords of the Treasury.

A commission was appointed in June 1831, to carry the above measure into effect. The commissioners exerted themselves in diffusing information among persons who might desire to emigrate; and received applications. One half of the passage money was to be advanced to each female, the emigrant herself being required to make up the remainder, and a preference was to be given to such as emigrated in company with their families.

In consequence of several applications, the commissioners were also authorized to advance loans to a limited number of mechanics; these advances to be provided out of the fund proposed to be raised by a tax on convict-servants. These loans were at first limited to £20 for each family; but such was the success which attended the scheme, that the commissioners, before they retired from their labours, recommended to the Secretary of State, that advances should also be made to agricultural labourers, and that the amounts advanced should be increased. The commission was dissolved in August 1832, and a committee of private gentlemen was appointed in London

manage the business of emigration. In Ireland, the executive of that country directed the emigration.

The London committee published in 1834 a report of their proceedings since their appointment, to which they added various recommendations for rendering their future operations more effectual. In that report, the committee stated, that they had not found the system of loans to work so well as they had anticipated; they had "found in numerous instances, much reluctance on the part of respectable women and their connections to come under a liability for their passage payable in the colony." This reluctance is thus explained by the report: "Many of them cannot be disabused of the idea that they thus expose themselves to coercion, and to a state of compulsory service until the stipulated payment has been made," and, "such is the peculiar feeling and apprehension existing on this point, that many have relinquished the desire of emigrating altogether."

For this reason, as well as on account of the probable difficulty of recovering the advances from such as might be disposed to evade, or unable to make payment, the committee recommended that a "free passage should be given to all such females between the ages of fifteen and thirty as should be ascertained to be fit subjects for emigration."

Having thus briefly sketched the plan on which bounty immigration first commenced, and noticed the machinery employed in the mother country to give effect to the intention of government, it will be proper to inquire, how far the immigration effected was beneficial? A select committee of the Legislative Council* was appointed in 1835 to examine into this subject, and to report on the best means of introducing into the colony persons of both sexes, of moral character and industrious habits. From the report of that committee, it appears, that since the appropriation of the funds arising from the sale of Crown lands to immigration purposes, two thousand eight hundred and forty eight persons had received aid from government up to June 1835, and that the sum expended amounted to £27,318. 16*s*. 9*d*; making an annual average of about eight hundred emigrants, and £8000 expenditure, or £10 to each person.

No sooner had it been known in the colony that emigrants might be expected, than a committee of gentlemen was formed, consisting of the Archdeacon (now the Lord Bishop) of Australia, the Colonial Secretary and Treasurer, and the Collector of Internal Revenue, for the purpose of affording assistance to the emigrants, and disbursing the payments of government.

* This committee consisted of Chief Justice [illegible], Lieut.-Colonel Snodgrass, Mr. Lithgow, Mr. [illegible], and Mr. Blaxland.

A committee of ladies was also formed to receive applications for domestic servants, and to enable the expected emigrants to obtain situations. Temporary places were also prepared for their reception, and every precaution taken which prudence could suggest to ensure the success of the project, on which the public anxiety had been so long and so anxiously fixed. But, notwithstanding all the efforts which were made at home and in the colony, it was found, that, though a considerable number of useful persons had been brought out, the operation of the system had not by any means answered the expectations of its originators. Not only had the immigrants failed in repaying the advances made, but their character (especially that of the females) had in many cases proved such as entirely to frustrate the objects of government. The amount advanced by way of loan up to the 30th of June, 1835, amounted in all to £9,745, of which £7,670 had been advanced to male emigrants, and the balance of £2,075 to unmarried females. It appeared, however, from the evidence of William Macpherson, Esq. Collector of Internal Revenue, that, though he was in possession of promissory notes, or warrants of attorney, from three hundred and seventy-eight male emigrants, covering nearly the whole of the above sum of £7,670, only £167. 3*s.* 2*d.* in all had been paid; while of the sum advanced to unmarried females, and for a great part of which promissory notes had likewise been given, not one

farthing had been received. Mr. Macpherson was instructed to proceed against the defaulters, but many circumstances opposed the success of the plan. The promissory notes having been executed in England, the signatures could not, in many instances, be proved. The debtors, also, were dispersed throughout the colony, many of them having even gone to Van Diemen's Land, New Zealand, and other places, beyond the jurisdiction of the courts.

In addition to these circumstances, many of the females were under age, and could not be sued at law. Mr. Macpherson, therefore, had suggested that it would be better not to attempt to enforce claims, which could with difficulty be established, and the proceedings connected with which must have an injurious effect on future emigration to the colony.

With regard to the character of the female emigrants introduced under these regulations, it was very soon discovered, that the London committee had been most grossly deceived, and that a large portion of the single females who had received assistance from government were of the lowest class, the mere sweepings of the streets of London, and the towns where they had embarked. In ship, the 'David Scott,' two hundred and six females had come out; and the follow tracts from the evidence of Mr. Mar the superintendent of the ship appe

to the extent of the deception which had been practised:—"I became acquainted," says Mr. Marshall, "in some measure with the mode in which they were selected. It was the professed object of the committee to obtain them from all parts of England, particularly from the agricultural counties; but I believe, *in point of fact, very few were from the country;* what I mean is, agricultural people from country villages. The great majority were of the class *of servant women out of place from large towns.* I feel myself qualified to speak with confidence on the subject, and it is my opinion that there were not more than twenty-five that I would consider suited for country servants." Mr. M. further states, that, the 'David Scott', being a very large ship, and requiring fifty men to navigate her, the men "were not only less under control, but they actually braved any command of the persons on board in authority, and boldly avowed their determination not to allow the women to be interfered with in any way whatever. *They, consequently, had an unrestrained intercourse with them during the voyage.* I do not allude, of course, to the whole of the women, but to upwards of forty of them, whose abandoned and outrageous conduct kept the ship in a continual state of alarm during the whole passage."

After reading such statements as these, how is it possible to understand what Mr. Marshall states

in another part of his evidence? "Every woman that was embarked was obliged to appear personally before the committee, *and to produce a certificate of good moral character* from two respectable housekeepers, or the minister of the parish." "I know, also, that the committee *personally questioned every female* for the purpose of ascertaining her *age, occupation, and qualifications in other respects* for the colony." Either the powers of dissimulation possessed by abandoned females of the lowest grade must be very great indeed, and must have been well backed by forgery, or the gentlemen of the London committee must have been marvellously unskilled in discriminating character. To whatever cause, however, the failure of the scheme was to be attributed, the Immigration Committee of the Legislative Council came to the conclusion "that there is an inherent difficulty in the original plan—a difficulty bordering upon impossibility of procuring the emigration of single females, combining all the requisite qualifications of moral character and useful acquirements, such as alone would render their accession of real advantage to the colony."

After these extracts, it is only necessary to quote a single sentence from the evidence of Alexander McLeay, Esq., the Colonial Secretary:—"I consider the females by the 'David Scott' to be the *best* of those from England." Mr. McLeay also states:—"I consider, that of all the ships, *there*

greatest portion of well-conducted women by 'The Duchess of Northumberland,' from Ireland;" yet, in the evidence of James Eckford, Esq., surgeon superintendent of that ship, the following passages occur: "To disclose a plain unvarnished tale respecting the female emigrants by the 'Duchess of Northumberland' would be too tedious, and, perhaps, not altogether beneficial in its results." "There were some sent out by the government of Ireland, whose characters the committee had not an opportunity of ascertaining; and who generally were not so well conducted as the rest."

Under these circumstances, it became a question in the colony, whether it would be wise to seek for repayment of the loans already advanced, and whether this system should be for the future discontinued? With regard to the past, the general impression was, that any attempt to enforce these claims, would only defeat the object in view; for though some portion, doubtless, might be recovered, the remainder, as certainly, could not; and as none but the industrious were in circumstances to pay, it seemed hard that the demand should be enforced against them, while the idle and dissipated escaped. But, independently of this difficulty, the system itself appeared open to very cogent objections. However just it might appear in the abstract, that the expense of the emigrant's passage should be defrayed out of his earnings in the colony, the plan had been found to cast so many obstacles in the way of

emigration, in addition to those already existing, that there remained no longer any likelihood of its being eventually successful. The preference given to North America by the rural parishes, on account of its proximity, was decidedly unfavourable to Australia; and when the prejudice which existed on account of the penal character of this colony was taken into consideration, it became obvious, that, instead of presenting any new difficulties to those who might be disposed to emigrate, some advantages should rather be offered to counterbalance the difficulties which already existed.

It was found that the average price of a passage to Quebec or New Brunswick was only £5, and that the wages of mechanics and labourers were fully equal to those which could be offered in this colony, to which the average passage money was £16. In order, therefore, to induce respectable individuals to emigrate to Australia, it was not only necessary to make up this difference, but, by additional bounties, to endeavour to vanquish the existing prejudices. In the opinion of the committee of the Legislative Council, the most efficacious mode in which a bounty could be applied, was to provide the emigrants with an entirely free passage, and to afford them gratuitous assistance in obtaining employment immediately on their arrival.

"Considering," says the report, "the great number of persons of all trades and qualifications in the United Kingdom ready to emigrate, and

only wanting means, and the comparatively small proportion required for this colony, your committee cannot but feel the fullest confidence, that by a well-conducted plan of selection, a most valuable class of moral and industrious persons might be obtained; a connection through their means would thus be formed; the tide of healthy emigration, being once directed towards this fine country, would continue freely and unceasingly to flow; its healthy climate, fertile soil, varied productions, and vast resources, would be duly represented and appreciated, and no other bounty than itself would be necessary to invite an ample supply of emigrants to come and settle themselves on its shores."

With regard to the emigration of single women, it is unnecessary to say, that the result of the experiments which had been made had convinced the colonists that a total change of system was necessary. At the same time, the disproportion which continued to exist between the sexes, being in 1835, nearly three males to one female, rendered it necessary that something should be done to correct the evil. For it will at once be understood by the social economist, that independently of the more revolting crimes which stained our records, and which were mainly attributable to the unnatural condition in which the negligence of the imperial government had left us, it was impossible that the main object—the raising the character of the population by providing virtuous homes for the operativ

classes—could ever be accomplished, if the immigration of females were discontinued.

But it had been found almost an impossibility to induce young females of respectability to embark on a distant voyage, to leave their homes, and entrust themselves to strangers; and it had also been found that the dangers and temptations which assail an unprotected female, both on her passage and after her arrival, were such as to make the exposure of any female, even with her own consent, to those trials, a matter of more than dubious propriety. These considerations induced the Committee of the Legislative Council to recommend that the selection of this class of emigrants should in future be confined to such young women as were attached to some family, under whose authority they would be during the voyage, and who would be responsible for their maintenance, after their arrival, until provided with reputable occupation or settlement in life.

The machinery by which immigration was in future to be carried on, was also a subject of much discussion. Some were of opinion, that the whole business should be left to private enterprize, government only interfering to secure conformity to the regulations, and to see that the emigrants were to the general requirements of the colony. Others, however, thought that government should undertake itself the entire management of the [illegible]. After much deliberation, there appeared [illegible]

of these modes should not be in operation together. It was merely necessary, in order to prevent any disappointment to individuals, that government should publish from year to year, a statement of the funds available for immigration, and require parties who might be disposed to engage in the business to give in a notification of the number and description of persons on account of whom they intended to claim bounties. With regard to the ships employed, the Select Committee recommended that they should not exceed from 300 to 500 tons, and that they should be "temperance ships." A desire was also expressed, that surgeons of the Royal Navy might be engaged, under sanction of the Lords of the Admiralty, on the same terms as they were employed in convict ships sent to the colony. The concluding passage of the report of 1835, contains an exposition of the principle on which the colonists claimed the proceeds of Crown lands exclusively for immigration, the conciseness and perspicuity of which warrant its insertion in this place.

"The first emigrants were induced to embark their fortunes in this distant colony under the promise of receiving free grants of land, and in the confidence that the same policy would be continued as the best means of settling the country. If it has since been deemed expedient to sell the lands in lieu of granting them as before, it is considered by the inhabitants merely as the conversion of capital into another form, and that

the proceeds of the sale of land should still be applied to the same purposes as the land itself. If there be any justice in this argument, it derives force from the circumstance, that this colony is made the receptacle for the outcasts of the United Kingdom, and is consequently loaded with a vast disproportion of immoral persons. That the colonists have derived many advantages from the transportation of convicts cannot be denied; but the system has brought with it a long train of moral evils, which can only be counteracted by an extensive introduction of free and virtuous inhabitants; and the only means upon which the colonists can safely rely for accomplishing this vital object is the revenue arising from the sale of lands.

"It is for these reasons that your Committee are anxious to record their opinion, as well as that of the whole community of the colony, that the funds arising from the sale of lands should be appropriated exclusively to the purpose of introducing a moral and industrious population; that they consider this appropriation alike indispensable to the present interests, and the future prosperity and character of the colony; and that they regard the opinion expressed by the Secretary of State for the Colonies, and approved by the Lords of the Treasury, in the light of a pledge by his Majesty's government, that the Crown lands of the co-

shall be held sacred to the promotion of immigration."*

It may be proper in this place to introduce a brief statement of the actual condition of the colony in 1835 with respect to the demand for labour, which will explain the anxieties displayed by the colonists on the subject.

The demand for labour arose, not only from the insufficiency of the number of disposable convicts, but from another and more natural cause, the increase of sheep and cattle. The number of sheep required for slaughter was so small in proportion to the vast flocks which were depastured both within and beyond the boundaries, that the price of butcher's meat had become merely nominal, leaving but a trifling profit above the cost of slaughtering and bringing to market. The consequence was, that the flocks of Australia increased almost without restraint, and to such an extent that their numbers were rapidly becoming unmanageable. Instead of having the sheep divided into flocks of four or five hundred, the settlers were compelled to have seven or eight hundred, and sometimes a thousand in one flock, being unable to find shepherds to take charge of them.

* The Report of the Immigration Committee in 1835, from which the above passage is extracted, was drawn up by the Hon. Sir Francis Forbes, Chief Justice of the Supreme Court of New South Wales.

Moreover, of the convicts, very few were at all calculated for shepherds, and the consequent loss to the flock-masters was very great. Many of the assigned servants also were of incorrigibly idle habits and vicious propensities, which the restraints of the law did not deter them from indulging, when opportunity offered. It became, therefore, desirable to obtain free men, even at liberal wages, for all rural purposes, as the stoppage of wages for losses occasioned by neglect of duty, would operate as a better check upon the free, than the fear of punishment upon the bond.

"This being the present situation," says Mr. H. H. McArthur, a most extensive landed proprietor and stock-holder, "of all farmers and flock-masters in this colony, there can be no question as to the great advantages they will derive from the present proposed law of bringing out emigrants, of those useful classes of men and women, who are bred in the country parts of Great Britain as farm servants, or agricultural mechanics, and useful house servants. I am of opinion," he adds, "that two thousand men would readily find places the first year, and that the demand would increase annually, with the increasing property and advancing prosperity of an enterprising community thus periodically gaining strength, both moral and political, and consequently developing the resources and accumulati

wealth over the vast field presented to them in our extensive forests and pastures."

The testimony of all the most influential gentlemen of the colony was to the same effect, as regarded the demand for labour, though there was, of course, a difference of opinion as to the machinery to be employed. Mr. Scott, a large proprietor of land and stock, states:—"The demand at present is very great. I have myself been unable to obtain free labour to effect improvements that I conceived to be important. The wants of the colony would, I think, take at least, twelve ship loads of emigrants in the course of the year. I think that a thousand persons would find employment in the district of the Hunter alone during the ensuing twelve months."

Sir John Jamison, Kt., also a large proprietor, says:—"At present the demand is so great, that I think that from two to three thousand agricultural labourers would find employment with an increasing demand for their services annually. This I consider a moderate computation for the wants of the colonists, and quite within the number required." And the statements of many others might be adduced, concurring with those quoted.

In a despatch to Lord Glenelg, of October 14, 1835, Sir Richard Bourke directed the attention of the imperial government to the recommendations of the Committee of the Legislative Council. His

Excellency more especially urged the propriety of appointing Surgeons of the Royal Navy, who had already been employed by government as superintendents of convict ships, and consequently had had opportunities of becoming acquainted with the circumstances of the colony, and of acquiring experience in the "management of large numbers of unoccupied persons embarked on board merchant vessels on long voyages." His Excellency also justly observes, that "upon the judicious and appropriate selection of the emigrants, the whole value of the scheme of immigration now submitted may be said to depend;" and he therefore strongly insists on the necessity "for appointing agents well acquainted with the colony, responsible to the colonial government for the discharge of their duty, and looking to it for remuneration. I attach," he adds, "much importance to the employment of the same persons to select, embark, superintend during the voyage, and finally deliver over in the colony the persons whom he has been instructed to procure." In addition to the emigrants selected by the agents, his Excellency proposed also to allow to settlers, who were desirous of importing a large number of labourers, and who might prefer to have them selected by their own agents, bounties nearly equal to the passage of such persons, requiring only that they should be of the ages and descriptions specified in the government regulations, and be passed by a Board appointed to

any account, be devoted to other purposes, before this primary object has been sufficiently provided for." To which the Assistant Secretary to the Treasury replies:—"Although my Lords are not aware of any engagement, or understanding, that the whole proceeds of the sales of Crown lands in the Australian colonies should be devoted to the furtherance of emigration, they do not dissent from Lord Glenelg's recommendation, that a requisite portion of those funds should be appropriated for this object, and that it should be considered as the primary charge upon them." Lord Glenelg, however, did not, at first, seem favourably disposed to granting the emigrant an entirely free passage; but, on the urgent remonstrances of Dr. Boyter, who found it impossible to procure eligible mechanics on other terms, the point was conceded, and the age for married couples extended to thirty-five.

The year 1836 was also remarkable for a proposal to commence an immigration into this colony of a totally different character. John Mackay, Esq., formerly of Bengal, an indigo planter and merchant, drew up several memoranda for the consideration of his Excellency the Governor, respecting the Hill Coolies, a race of Indian labourers, whom, in the circumstances of the colony, he considered it would be expedient to introduce for a limited period of years. As the scheme alluded to, is still favourably regarded by many colonists of

ages of fifteen and thirty, in whose welfare they were interested, and over whom they possessed control. Dr. Boyter was also instructed to require certificates of character and competency from the ministers of their parishes, and from masters by whom they had been employed, and to reject with the utmost care any person who had the slightest tendency to habits of intemperance, in order to prevent the formation of which during the voyage, it was intended to substitute a ration of wine for that of spirits which had hitherto been supplied to emigrants. The conditions on which these emigrants were to be brought out, were, a free passage for themselves and families, the Colonial Government guaranteeing to employ them upon public works, for one year, at the current wages.

Dr. Osborne, also of the Royal Navy, shortly afterwards received a similar appointment, and was sent home with the requisite credentials.

The arrangements proposed by Sir Richard Bourke, on the recommendation of the Committee, were approved by Lord Glenelg, and sanctioned by the Lords of the Treasury. The view entertained by the committee, that the whole net proceeds of the sale of Crown lands should be applied to the promotion of immigration, was strongly favoured by Lord Glenelg, who recommended to the Treasury, "that as large a portion of those funds as was required for emigration should be applied for that object; and that no portion of them

any account, be devoted to other purposes, before this primary object has been sufficiently provided for." To which the Assistant Secretary to the Treasury replies:—"Although my Lords are not aware of any engagement, or understanding, that the whole proceeds of the sales of Crown lands in the Australian colonies should be devoted to the furtherance of emigration, they do not dissent from Lord Glenelg's recommendation, that a requisite portion of those funds should be appropriated for this object, and that it should be considered as the primary charge upon them." Lord Glenelg, however, did not, at first, seem favourably disposed to granting the emigrant an entirely free passage; but, on the urgent remonstrances of Dr. Boyter, who found it impossible to procure eligible mechanics on other terms, the point was conceded, and the age for married couples extended to thirty-five.

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influence, a few notices of this race of Indians may be interesting to the reader.

The tribe of Indians, commonly known by the names of Hill Coolies, Dhangars, or Boonahs, inhabit those extensive hilly districts to the northward and westward of Calcutta, which comprehend from two to three degrees of latitude (from 23° to 25° N.). The native climate of the Hill Coolies, therefore, is not so cold as that of the located parts of New South Wales; but, as they are accustomed to exposure in the winter season, (the thermometer often falling to 35°), and those who remain in indigo factories during the rainy season, suffer no inconvenience from working six or eight hours a day up to their middle in water, it was believed that they would be quite capable of enduring the climate of this colony. They are a healthy, active race, and in their own country cultivate yams, pumpkins, water-melons, radishes, cucumbers, and chilies. They do not, however, object to eat animal food, having no prejudices of caste, or of religion, like the Hindoos and Mahometans. They purchase from the plains a coarse kind of rice, called *paddy*, and hunt wild animals, such as hogs, guanas, and even rats, and mice. Their clothing is very simple, and they usually eat but once in twenty-four hours. Their habitations are equally simple—being similar to the back huts of this country—a dry floor and a blanket are the extent of their accommodations. Their muscular strength

is not, of course, generally equal to that of the natives of higher latitudes; but for the lighter operations of agriculture, and especially as shepherds, it was believed that they would be found to answer very well in this colony. Mr. Mackay states, "that he has here seen many Europeans earning 3*s.* a-day, the result of whose labour, individually, would not equal that of an industrious Dhangar." With respect to their religion, there appears to be some doubt. Mr. Bury, H.E.I.C. Bengal Civil Service, states:—"They believe in the existence of a God; and have some idea of a future state, but what it is, I cannot say." Mr. Mackay observes: "I do not know whether they have any idea of marriage, but the men appear to be much attached to their children, and to their mothers. They do not seem to have any idea of religion, so far as I have observed; and have no priests among them. I never knew any of them able to read or write: but they will travel a distance of five hundred miles in search of employment, and know the value of money." It appears certain, however, that they are not acquainted with that wild and dark mythology which forms the basis of the horrid rites of Brahminism. Indeed, the best authorities have attributed their origin to a large tribe inhabiting the Himalaya mountains, called the Gourcahs, whose religion, though Pagan, is not idolatrous; and this circumstance has probably led to the supposition that they had no religion at all. But such

a conclusion seems irreconcileable with the clear sense of moral obligation and character for trustworthiness, which all who profess to have any knowledge of them agree in ascribing to them.

Numbers of the Hill Coolies annually come down from their own country to the plains in search of employment. On these occasions they leave their families at home, and remain absent for several months at a time. They do not object, it appears, to make engagements for longer periods; some of them having been known to remain seven years in an indigo factory. They are hired in gangs of different numbers, from ten to one hundred; one of their number is elected sirdar, or overseer, who acts as interpreter, and makes contracts for the labour of his men. They are tractable and docile, and if treated well will exert themselves greatly. They are particularly expert in the use of the axe and hoe, and with a little instruction would make excellent shepherds and cow-herds.

In the month of May, 1837, Mr. Mackay addressed a further memorandum to his Excellency, stating, that all the inquiries he had been able to make had still more strongly confirmed him in his opinion, as to the expediency of introducing a large number of labourers of the class referred to. To this memorandum were appended two letters, which had been recently received in Sydney from an influential mercantile house in the

Mauritius. In both these letters it was stated, that the experiment of introducing Indian labourers into the Mauritius had proved completely successful; and that the total cost, including their food, clothing, and passage there and back, amounted to no more than five Spanish dollars per month, or about five shillings per week. A Mr. Mayo, also, who had resided for some years in the Mauritius, and was desirous of establishing sugar, coffee and cotton plantations in the northern parts of this colony, submitted to his Excellency an account of the experiment which he had an opportunity of witnessing, and recommended a similar experiment here.

" I would observe," says that gentleman, " that the importation of Indian labourers, under judicious regulations, will not only advance the interests of this country, but will prove of incalculable benefit to India itself. In time, I think it would be the most effectual method of sending into that vast region, not only improved manners, customs, arts, agriculture, and laws, but also the blessings of christianity."

To his account Mr. Mayo subjoined, among other documents connected with the subject, a copy of a circular letter, addressed by the colonial secretary at the Mauritius, to individual planters in that island, in which the following sentence occurs: " The result is highly satisfactory with

regard to the general treatment, conduct and condition of the Indians introduced as labourers into this island: and the system appears not only to have worked well hitherto, but to promise improvement, in proportion as these persons become acquainted with our language, and habituated to the manners and customs of the colony."

Independently of the documents submitted to his Excellency by Messrs. Mackay and Mayo, the subject of Indian immigration was earnestly pressed on his Excellency's attention by a letter, addressed to the colonial secretary by a large body of the flock-owners in New South Wales, complaining bitterly of the want of labour experienced in the colony, and binding themselves to support a certain number of the Indian labourers, provided his Excellency would sanction the defrayment by government of the cost of their transport. This letter is dated the 27th May, 1837; and the complaint and the request which it contains afford strong proof of the very small extent to which the colonists had been benefited by the immigration which had taken place up to that time, and of the urgent necessity which existed for some immediate and decisive measures.

The following table will exhibit in a concise view the actual amount of immigration which took place into the colony from the year 1832 in which the first bounty immigrants arrived, to the 31st December, 1835.

Years	Immigrants without bounty.				Immigrs. receiving advances.			Females receivg bounties	Total No. of immigs.	Total amount of advances and bounties.		
	Men	Women	Childr.	Total	Men	Women	Childr.			£	s	
1832	679	251	284	1214	140	134	195	323	2006	5256	6	
1833	661	418	353	1432	177	164	348	564	2685	12104	,,	
1834	519	297	264	1080	52	43	133	256	1564	5005	,,	
1835	518	218	147	883	33	31	86	395	1428	8663	,,	
Total	2377	1184	1048	4609	402	372	762	1538	7683	31,028	6	

From this table it appears that the whole number of free persons who arrived in New South Wales, during the four years immediately following the adoption of Lord Ripon's scheme of appropriating the land revenue, was seven thousand six hundred and eighty-three, of whom considerably more than one half came out at their own expense. The average amount paid, in the shape of advance or bounty, for three thousand and seventy-four persons was, £10. 1*s.* 10½*d.* The following is the account for the year 1836.

WITHOUT BOUNTY.			Total
	Men	451	
	Women	212	
	Children	150	
			813
Persons for whom bounties were paid, either by order of the Home Government, or under the Colonial Government order of October 28, 1835. . .	Men	57	
By order of the Home Governmt. — Families	Women	58	
	Children	127	
Unmarried females		516	
			758
By order of Colonial Government of October 28, 1835.*	Men	16	
	Women	21	
	Children	13	
			50
	General total		1621

COST.

The total sum charged on the Colonial Land Revenue for the year 1836, on account of immigration, was £11,794. 11*s.* 11½*d.* The actual amount paid in bounties was £10,894, making an average bounty of £13. 9*s.* 7½*d.* per head for eight hundred and eight immigrants.

* The order offering bounties on immigrants introduced by settlers agreeably to the intimation contained in Sir Richard Bourke's despatch of October 14, 1835, before mentioned.

From the foregoing tables, as well as from the complaint on which the colonists founded their proposals respecting Coolie immigration, the reader will be enabled to draw a lively picture of the distress which existed in the colony, on account of the scarcity of labour at the commencement of the year 1837. The losses sustained by the settlers were of such lamentable extent, and the circumstance of a fertile land, rejoicing in all the strength of its natural resources, but literally lying waste for want of population, was so very distressing, that the most vigorous measures appeared to be demanded. But the continued remonstrances sent to the Home Government, both in the indirect course of private correspondence, and through the more tardy channel of official communication, appear at length to have roused the Colonial Department to something like an energetic movement. In a letter addressed by Lord Glenelg's direction to the Secretary to the Treasury, dated January 9, 1837, the attention of the Lords Commissioners was forcibly called to the steps which had hitherto been taken in the business of emigration, and which had been limited, in consequence of "the uncertainty which to a great extent necessarily existed in 1831, as to the working of a system at that time untried in the British Colonies," and the impossibility of then organizing, without the risk of failure "an extensive

scheme of emigration which would be dependent on the proceeds of future Crown sales." The letter points out the success of Lord Ripon's scheme in the following terms:—

"The extent of the revenue raised from the sales of unsettled Crown lands in New South Wales, exceeds the most sanguine anticipation entertained at the time when the existing regulations for the disposal of land were promulgated by Lord Ripon in 1831. So completely has the rigid adherence to the principle of these regulations on the part of the government been justified by experience, that the annual receipts from those sales have rapidly and progressively increased since 1831; and there is reason to believe that the amount arising from this source during the present year, 1837, will not fall short of £100,000. The arrangements, however, for the employment of these funds, have not hitherto kept pace with the rapidity of their growth; and Lord Glenelg considers that some more efficient agency should, without delay, be provided for securing the full benefit, which ought to accrue, both to the colonies and to this country, from the due administration of the means thus rendered available for emigration."

With a view, therefore, of remedying the existing evils, Lord Glenelg proposed a plan, of which the following were the leading features:—

1. "Two-thirds of the available land revenue

were to be appropriated to emigration, superintended in the United Kingdom; the remaining third to be appropriated to immigration, conducted by individual colonists in accordance with the government order of October 25th, 1835."

2. "Naval surgeons to be employed by the colony as agents for the selection and conveyance of emigrants. It was left, however, for consideration, whether an equally efficient and less expensive agency might not be obtained by the employment of agents practically acquainted with the colony, and who might be employed exclusively in the selection of emigrants, without being required to conduct them to the colony."

3. "An officer to be appointed, with the denomination of chief agent for emigration, who should be settled in London, and to whom the entire superintendence of the business should be entrusted."

In a despatch of the 23rd of March, 1837, Lord Glenelg states, that the proposed arrangement had received the sanction of the Lords Commissioners of the Treasury, and expresses his hope that it will shortly be in effective operation. On the 30th of May, in the same year, Sir Richard Bourke summoned the Legislative Council, and in his opening address alluded to the difficulties of the colonists from the want of labour, and proposed the appointment of a select committee,* to consider and report

* The committee consisted of Colonel Snodgrass, Mr.

their opinion upon a proposal made to the government of New South Wales for introducing into the colony certain of the Hill labourers of India; and to consider the terms under which mechanics and labourers from Europe are now brought out, and to report their opinion thereon."

In their final report, which was laid on the council table on the 25th of August, the committee touch but slightly on the subject of Indian immigration. Notwithstanding the distress of the colonists, and the favourable picture which had been drawn of the Hill Coolies by Messrs. Mackay and Mayo, and others who were examined by the committee, the objections raised respecting the Paganism, colour, &c., of these people appeared to produce so strong an impression against their introduction, that the committee would not venture to do more than recommend a bounty of £6 (or about half the cost of importation) for every male Dhangar who should be embarked on or before the 31st of December, 1838, the master employing them to give security for the payment of ten shillings half yearly into the Savings' Bank, "to form a fund to cover the expense of their conveyance back to their native country, at the expiration of six years from their arrival in this colony." The committee recommended this mea-

Lithgow, Mr. Blaxland, Mr. McArthur, and Sir John Jamison.

sure only as an immediate and temporary relief to the distresses of the settlers; and, as they did not calculate on more than from three to five hundred Indians being brought into the colony under these regulations, a large expenditure could not be incurred, while the colonists would be enabled to judge of their utility, should a crisis of distress again occur in the southern part of the colony.

To prevent the necessity of recurring for some time to the subject of Indian immigration, it may be convenient to state here, that the proposal was not favourably received by Lord Glenelg. In a despatch to Sir George Gipps, dated December 14th, 1837, his Lordship intimates that the papers on the subject which had been laid before the Legislative Council, and copies of which had been forwarded to his Lordship, had been referred to T. F. Elliot, Esq., the newly-appointed Agent-General for Emigration. As, however, the arrangements made in the United Kingdom for promoting emigration to New South Wales, in the early part of that year, could not have been known in the colony at the date of those papers, Mr. Elliot expressed his opinion, in which Lord Glenelg concurred, that the effect of the arrangements in progress would be to remove the necessity which had prompted the colonists to look to this mode of supplying the deficiency of labour; and that it was much to be wished that the colonists "should continue to prosper without introducing Indian blood

into their population, or Indian habits into their industry."

Lord Glenelg further observes on this subject: —" Its tendency would, probably, be the permanent erection in the colony of a distinct class of persons, separated by origin and habits from the rest of the labouring population, subject to restrictions not generally imposed, and regarded as of an inferior and servile description. Such a system could scarcely fail of being injurious to the parties themselves, and, by bringing agricultural labour into disrepute, to discourage the emigration of agricultural labourers from this country, who, as the advantages offered to them in New South Wales become more extensively known, may reasonably be expected to avail themselves in larger numbers than heretofore of the opportunities of emigration to that country."

With respect to British immigration, the report of the committee of 1837 did not contain any information or suggestions of great importance. The simple and eloquent facts set forth were, that, at that time "the means did not exist for maintaining the present establishments of sheep, cattle, and horses; and that, annually, the colony drew one-fourth, and sometimes one-third of their supplies of wheat from foreign markets." As a matter of course, therefore, the committee recommended " that immigration should be continued yearly to the extent of the whole revenue arising from Crown

lands." As the minor recommendations of the committee did not become the subject of any correspondence with the colonial department, and, as the attention of the colonists was soon occupied by the arrival, in rapid succession, of emigrant vessels sent out by government, it will be unnecessary to detain the reader by any further account of them.

In the year 1837, the number of immigrants who arrived in the colony without bounty was eight hundred and seventy-one; those who received assistance from government amounted to two thousand six hundred and sixty-four; and the amount of pecuniary assistance given by government was £36,219. 3*s*. 1½*d*. As yet, therefore, but little had been done: the machinery, however, was now fully in operation, and the returns of the ensuing years will show a very different result. The appointment of Mr. Elliot, to the office of Agent-General for Emigration, seems to have been attended with most important advantages. To strong natural judgment and benevolence of disposition, that gentleman added the most accurate habits of business, and, which was of still greater consequence, an extensive acquaintance with colonial affairs. In fact, from the date of Mr. Elliot's appointment, the history of immigration may be said to commence; all that passed before having been merely experimental.

It would extend this section far beyond the limits which are necessarily assigned to it, if an attempt were made to give even an outline of the various schemes proposed, and successively tried, for the conveyance of the immigrants, and for their management during the voyage. The details of shipping arrangements, of charter-parties, provision-contracts, scales of victualling, &c., &c., though matters of great importance to those practically engaged in the business of immigration, do not appear to fall within the province of the historian, whose business is rather to watch the results of social experiments, than to consider the trifling details which do not affect the general result. It has also been thought proper to omit any accounts of the different methods adopted by different Surgeons-Superintendent, for the proper management of the emigrants during their voyage, for though such particulars might be interesting, they are not of importance to the main subject, and would necessarily occupy a large space. It is not to be concealed, however, that the moral character of many of the immigrants, especially after the discontinuance of the government system, and their consequent utility to the colony, were very materially affected by circumstances connected with the voyage; and statements will be presented in the sequel which will be read with painful interest, and at the same time,

it is to be hoped, not without a prospective advantage.

It has been already intimated, that immigration was carried on, both directly by the government agents in the United Kingdom, in vessels chartered by government, and superintended by surgeons of the Royal Navy; and by private individuals, who fitted out vessels at their own cost, and procured emigrants by their own agents, who were superintended by surgeons, appointed by the owners, and for whom they were allowed bounties, provided they were of a proper description, and in accordance with the government regulations as to age, condition in life, &c. If the immigrants on arrival were found to exceed the prescribed age, or if the written certificates and testimonials, which the importers were required to produce, were found to be at variance with the statements of the immigrants themselves, the bounties in every such case were withheld. The bounty also was not paid for such as died during the passage; in fact, only for such persons *of the proper description*, as were actually produced before the Colonial Examining Board. The importers were also obliged to show that the provisions and water were good and sufficient, and that due precautions had been used for securing the health and comfort of the passengers during the voyage. The numbers of immigrants brought out under these systems

respectively during the year 1838, in addition to those who came out on their own resources, were as follows:

Immigrants in ships chartered by government.	Male	1126	
	Female	1096	
	Children	2258	
			4480
Immigrants in private ships, on whom bounties were paid.	Male	566	
	Female	577	
	Children	479	
			1622
Unassisted	Male	851	
	Female	362	
	Children	265	
			1478
		Total	7580

The Committee of the Legislative Council, appointed in 1838, consisted of the Right Reverend the Lord Bishop of Australia, the Auditor-General, Mr. Blaxland, Mr. McArthur, and Sir John Jamison. The labours of this committee were of the greatest value, and their report, which was prepared by the Right Reverend Chairman, is a most able and instructive document. It will be necessary to glance briefly at one or two of the topics alluded to in the report. The urgent demand for labour is most prominently set forth. Among all the witnesses examined, and among those who sent replies to the circular-letter of the committee, not one was found who did not complain of a deficiency, and urge the strongest measures for its removal. This urgent demand also existed at

a time when the colony was suffering under a a severe drought, which had raised the price of grain to an extreme height, and which deterred many of the settlers from proceeding with those improvements, which they might otherwise have been desirous to commence.

The report next proceeds to notice the means arising within the colony for rectifying the disproportion between the demand for, and the supply of labour. The principle that the net revenues arising from Crown lands should be applied to this purpose is strongly insisted on, and the allowance of any deviation from this principle earnestly deprecated. But a more important subject had been forced on the attention of the committee by the financial minute of Sir George Gipps for that year, in which the following passage occurred:—

"The land revenue has hitherto in every year, much exceeded the amount spent in the same year on immigration; consequently there has been in every year, since 1831 (the year in which the land revenue first began to assume importance) a considerable balance carried to the general account of the colony. The reverse, however, of this may be expected to be the case in the present year: the land revenue during the first six months of it has amounted only to the sum of £31,662. 10*s*. 9*d*. and estimating the revenue for the other six at the same sum, we shall have only the sum of

£63,325. 1*s.* 6*d.* to meet our expenditure on immigration, which, as far as we can at present judge, will not fall far short of £100,000; so that at the end of the present year, instead of having any thing to transfer to the common revenue of the colony, there will be a balance the other way of probably £37,000, which must be taken from the accumulated fund of our savings."

The circumstance thus disclosed by his Excellency, caused the committee to express a strong opinion upon the desireableness of removing all ambiguity respecting the correct application, for the future, of the revenue. They conceived "it would not be difficult to make a final arrangement as to the charges which shall be sustained by the land revenue,* which, as being founded upon equitable principles, would be received without objection; while the security thus afforded of the appropriation, to purposes of emigration, of the surplus remaining after such charges had been met, could not fail to inspire the colony at large with confidence and satisfaction." The anticipated deficiency, however, alluded to by his Excellency,

* For the sake of convenience it may be here mentioned, that the charges now decided to belong to the land fund are, 1st. The collection and management of the fund. 2nd. A charge of 15 per cent, on account of the Aborigines, the original possessors of the soil from which the wealth of the colony is derived. And, lastly, immigration.

had only justified the apprehensions entertained by the most experienced of the colonists, on the rise in the minimum price of Crown lands; and though the high price obtained for land in the newly-opened district of Port Phillip might relieve those apprehensions for a time, still it was questionable, "whether the returns from the sale of land would prove so invariable from year to year, as always to supply exactly the amount which it might be thought desirable at any particular time to devote to the promotion of immigration." With a view, therefore, of keeping up the extent of immigration for some years, to a certain annual amount, the committee reported generally in favour of a proposal that money should be raised by way of loan, secured upon the unsold Crown lands, or upon the general revenues of the colony. In reply to the objections which might be raised to the creation of a public debt, the committee direct attention to the difference between borrowing on the general resources of a country, and borrowing on the credit of real property known to be of more than commensurate value. The object for which the debt was to be created was also of importance; as there was a vast difference between borrowing for the military or political service of a nation, and for expenditure upon territorial improvement, every pound of which must necessarily be [illegible] with increase. Besides which, it appe[illegible]le, that the intro-

duction of so extended a population would itself so enhance the value of Crown lands, that the difference would more than defray the interest of the loan, the gradual discharge of which was proposed to be provided for by a sinking fund of one per cent.

The proposal to raise a loan of the character alluded to, to the extent of £2,000,000, for the introduction of one hundred thousand immigrants in eight years, was very generally approved throughout the colony, as was evidenced by a letter, addressed to the committee by a large number of gentlemen deeply interested in the prosperity of the colony, and strongly urging the necessity for the measure. The committee declined specially recommending any particular amount to be raised by way of loan, but suggested that in the event of the project being authorized by the imperial government, the gross produce of the loan should be appropriated to the purposes for which it was raised, and that all expenses connected with it should be defrayed out of the general revenue of the colony.

With respect to the comparative merits of the two modes which had been adopted for the introduction of immigrants, it had been found that the bounty system was considerably less expensive than the other. The Appendix to the Report of the Committee contains, among other valuable returns, a table, showing the cost of outfit and

victualling of eleven government ships, from January 1, 1837, to June 30, 1838, with a statement of what the cost would have been of conveying the same individuals under the bounty system, and it appears that the saving to the colony would have exceeded £10,000 on the introduction of three thousand and thirty-three persons. This excess of expenditure on the part of the government ships did not appear to be accounted for by their superiority in point of ventilation, cleanliness, or attention to the security or morals of the passengers. In both classes of vessels some additional regulations appeared called for in reference to all these matters; but the question of expense seemed so far decided, as to warrant the leaving the future business of immigration to private enterprise.

Some inconvenience had been felt from the introduction of so large a proportion of children as had already arrived, many of whom being infants, were a burden on the employers of their parents; and it was thought advisable to propose in future a modification in the scale of bounties, so as to discourage the emigration of very young children, "and contrariwise to hold out greater advantages to persons who are not encumbered with such large families." The committee also recommended that immigrants arriving under the bounty system, should have the same advantages with respect to maintenance on arrival as were allowed to those arriving in government ships.

The report concludes with a very animated appeal on the necessity of providing the means of religious instruction for the population, which was in this manner dispersed through the interior.

With reference to the subject of the greater expense of government emigration, his Excellency appointed a Board, on the 5th of December, 1838, with instructions to inquire both into that question; and also the greater degree of sickness which had prevailed on board ships freighted by government. On the latter point, the Board reported, that the sickness and mortality which had prevailed on board the government ships, seemed attributable: 1st. To the number of children embarked, which amounted in many cases to more than half of the whole number of passengers. 2nd. To the unsuitableness of the dietary, particularly of that provided for children. 3rd. To the circumstance of the emigrants being embarked without the previous acquaintance of the Surgeons-Superintendent, many diseased persons by this means contriving to get on board, and causing subsequent epidemics. On the subject of expense, the Board professed themselves unable to discover any items in the outlay for government ships which could conveniently be reduced; and the only mode, in which it appeared to them that any saving could be effected in that important branch of the public service, was the entire abolition of the system of chartering and fitting out vessels, and leaving that part of the business entirely to private

individuals, the emigrants, however, being still selected by government agency.

The superiority of the bounty system was more abundantly manifested in the year 1839. Not only was the expense shown to be reduced, but the character of the immigrants, and general suitability to the wants of the colony was found to be of a much higher order than was to be found in the immigrants brought out by government vessels. With a view of rendering the employment of introducing immigrants sufficiently lucrative to ensure its being taken up to the necessary extent, and pursued with the necessary vigour, it was found expedient to raise the bounty for male and female adults to £19; in consideration of which the immigrants were to be allowed to remain on board the vessel ten clear days after their arrival, during which time they should be provided with the same ration as was allowed them at sea.

The committee appointed in 1839* renewed the proposals for raising a loan on the security of the land revenue, which had been made by the committee of 1838. It had now been ascertained, beyond a doubt, that the produce of that

* Of this committee, as well as of those appointed in the three following years, the Right Rev. the Lord Bishop of Australia, was chairman, and to his pen we are indebted for the very masterly reports which they presented to the Legislative Council.

revenue, in any one year, was not likely to be of amount equal to the expenditure of that year on account of immigration; at the same time there appeared no difficulty in the scheme of raising a sum of money every year for eight years, (during which it was supposed that a sufficient number of immigrants might have been imported) the interest to be paid out of the land revenue, and a sinking fund being provided for the ultimate redemption of the loan.

The history of immigration during the year 1839, presents no new feature for consideration; it remains, therefore, only to give

A TABLE shewing the number of immigrants who arrived in the colony during the year, whether in government ships, on the bounty system, or on their own resources:—

In government ships	Males	1514	
	Females	1476	
	Children	1993	
			4983
In private ships on bounty	Males	1019	
	Females	1040	
	Children	859	
			2918
Unassisted	Males	1513	
	Females	599	
	Children	691	
			2803
Total arrived in Sydney			10,704
Landed at Port Phillip from government ships			229
Ditto Ditto from private ships on bounty			485
Ditto Ditto unassisted			150
Grand Total			11,568

To this Table it will, perhaps, be convenient to add the following :—

STATEMENT OF OUTLAY.

	£.	s.	d.
Amount of charters for government ships	54,370	19	2¾
Provisions, outfits, &c., for ditto ditto	44,497	8	4½
Total expense of government ships.	98,868	7	7¼
Total amount of bounties paid . .	48,758	0	0
Total cost to the colony	£147,626	7	7¼

In the year 1840, the demand for labour throughout the colony appears to have been as intense as ever, notwithstanding the great numbers of immigrants who had arrived.* No sooner had an

* "Under the pressing representations which have reached them from every side, your committee have directed their attention to every imaginable source of relief. Among other propositions, that of introducing, for a limited time, some of the Hill Coolies, from India, to serve as shepherds (in which employment they are known to excel) has been revived. Your committee are impressed with objections of considerable weight, which may be urged against this measure, and could not, under any circumstances, recommend that any bounties should be granted on the introduction of that race of people. But they are compelled, unwillingly, to express their opinion, that, under the pressure of severe necessity, and every other resource having failed, it would be advisable to revoke the prohibition which is now in force against the employment of the Coolies, for a limited period, by colonists, who might be willing to introduce them at their

emigrant ship arrived, than the liveliest anxiety was displayed to obtain servants and labourers of every description, and before a week had elapsed, every soul who had arrived was provided for, though in some cases the employer was compelled to supply rations to a large family of children, in order to obtain the services of the father. With reference to one ship in particular, the 'James Pattison,' which arrived from Gravesend on the 5th of February, 1840—though some fears had been entertained in England, previously to her departure, that the drought and other causes, which oppressed the colony at the time, would prevent the speedy hiring of the immigrants—Mr. Denham Pinnock, the Resident Agent for Immigration positively stated, that, "so great was the demand for labour, it was with great difficulty he could prevent persons from engaging the immigrants before disembarkation."

That well known punster and caricaturist, Mr.

own charge, and who would give security for their return to their native country, at the expiration of their covenanted terms of service."—*Report of the Immigration Committee*, 1840.

"Every department of industry is cramped; and no undertaking, public or private, can be prosecuted, except at an immense expense; owing to the exorbitant rate of wages, and the inconceivable difficulty in procuring workmen, servants, or mechanics, upon any terms whatever."—*Ibid.*

Thomas Hood, has made one of his most successful *jeux-d'esprits* in a letter, supposed to be written by a domestic servant, on her arrival in Sydney by an emigrant ship. She represents the demand for servants to have been so great, that employers came off to the ship in boats, and attempted to engage them by means of speaking-trumpets;* and that a number of afflicted bachelors made a similar experiment in the hope of obtaining wives. Whether matrimonial speculations were ever really commenced in this manner, it becomes not the Historic Muse to sing; but Mr. Hood was probably little aware, that, so far as the engagement of servants was concerned, his lively fancy had not outstripped the strict limits of reality, and that the scene which he had conjured up for the amusement of the laughter-loving circles of England, was veritably enacted, with all the accompaniments of dress and decoration peculiar to the performances, in the harbour of Port Jackson.

* Not long ago, we went ourselves in a boat with a lady to engage a "housemaid." The ship was surrounded by so many anxious parties, that the lady found it impossible to get on board. We therefore left her, and went on deck; and the government agent caused several girls to get over the ship's side to the "quarter-gallery," whence they were inspected by the lady from below, and an eligible one agreed with by "dumb motion," for from the height of the ship, and the confusion on board, not a word that one said, could be heard by the other.

It will be unnecessary in this place to refer to those discussions which agitated the public mind, during this and the succeeding years, respecting the extent to which the land revenue was affected by the mode in which the sales were effected, and the proceeds applied. These points, it is hoped, have been fully noticed in the previous section, and it is only necessary now to add that the application of the net revenues to immigration was this year decided by the appointment of the Colonial Land Board, with instructions to superintend "the sale in England of waste lands in the colonies; and the application of the proceeds to the removal of emigrants."*

In this year the system of government immigration was abandoned,† which occasioned a diminution in the arrivals. The last vessel with government immigrants was the 'Glenhuntly,' which arrived in Port Phillip on the 14th of April. The following table shows the general results.

* In the Report of the Committee of the Legislative Council appointed in 1840, the subject of a loan was not mentioned, the land revenue for that year presenting so very favourable an aspect. Its gross amount was £316,626. 7*s*. 5*d*. one sale alone having realized, in the Port Phillip district, £104,000.

† The discontinuance of government immigration deprived the colony of the services of Mr. Elliot, the London Agent General for Immigration, whose services had been of the greatest value, and the loss of which were deeply regretted.

In government ships	Males	444	
	Females	442	
	Children	481	
			1367
In private ships on bounty	Males	1471	
	Females	1612	
	Children	826	
			3909
Unassisted	Males	824	
	Females	285	
	Children	188	
			1297
Total arrived in Port Jackson			6573
Arrived in Port Phillip in government ship		153	
Ditto ditto bounty		1268	
Unassisted		543	
			1964
Total number of immigrants for 1840			8537

To this may be added a

STATEMENT OF OUTLAY.

	£.	s.	d.
Amount of charters for government ships	15,807	13	
Provisions, outfits for ditto, &c.	10,384	10	8
Total expense of government ships	26,192	3	11
Amount of bounties, including gratuities to surgeons	84,737	7	6
Total cost to the colony*	£110,929	11	5

The principal circumstance in the history of

* It appears from the Financial Minute of his Excellency for 1841, that the actual cost for immigration for 1840 was £148,314. 17*s.*; the above return not including expences on account of the 'Glenhuntly,' the 'James Pattison, and the 'Crescent,' with probably some other items.

immigration for the year 1841, which demands attention, is the proposal by his Excellency, Sir George Gipps, of a bill to secure, on the ordinary revenue of the colony, the payment of debentures issued to meet the expenses of immigration. The proposal is contained in a Minute by his Excellency to the Legislative Council, dated November 30, 1841, and as it contains a very clear exposition of the state of the land revenue, the mainspring of immigration, no apology is offered for the introduction of copious extracts. It will be in the recollection of the reader, that in the years 1838 and 1839, the Immigration Committee successively recommended the raising of a loan, in order that the progress of immigration might not be retarded by any fluctuations in the land revenue. These recommendations had been supported by Resolutions of Council, in the years 1838, 1839, and 1840, strongly expressive of concurrence in the principles of the recommendations of the committee. In 1841, a similar resolution was passed by the Council, the concluding paragraph of which ran as follows:—

"And this Council, therefore, guarantees to the utmost of its ability, a speedy re-imbursement of such sums as the government may find it necessary to advance in anticipation, towards promoting an object of such vital importance."

In consequence, however, of the continued sufficiency of the land fund, it had never been for

necessary to press the matter farther, Sir George Gipps having all along considered a loan as the last resource, having little faith in calculations of redemption, or of sinking funds; and not unjustly apprehending "that it would be extremely difficult to administer the government of the colony with proper economy, in the midst of the fictitious wealth which would be produced by a loan." The subject, however, being pressed on his Excellency's attention, he at length sent to the Home Government a proposal for raising money,* to which no answer had been received at the date of the Minute above mentioned, the Home Government having probably not imagined that the prosperity of the land revenue in 1840 was the flash of the taper previous to its sinking into darkness. In the meantime, the pressure of the demand for labour had been such, that (the government system

* The proposal was to this effect: That the British Treasury should continue to make advances, as before, for such emigration expenses as were to be provided for in England, without pressing for immediate repayment into the military chest of the colony; and further, that his Excellency should, in case of necessity, be authorized to receive advances in the colony from the military chest, to any amount not exceeding £10,000 at any one time, or £100,000 in a year. The plain effect of the arrangement would have been, that the British Treasury would have been the creditors of the colony for the first instalment of a loan, and the colony would have been kept out of the money market [illegible] (which was to be limited to £125,000).

having been abandoned) it had been found necessary to extend the bounties, so as to induce a greater number of persons to engage in the business of importing immigrants. It may be necessary to mention, that up to 1840, the bounty system had been carried on almost entirely by one individual in England (Mr. Marshall). The sequel may be told in the words of his Excellency.

"This measure had the desired effect; numerous applications for permission to import immigrants were addressed to the local government, and were very generally complied with, it being considered next to impossible that immigrants could arrive in the colony within the two years for which the permissions were granted, faster than the colony would require them. Even if the emigrants themselves could be obtained, it was considered that ships to convey them to the colony could not be procured, without so raising the cost of freight and conveyance, as to make the speculation on the part of the importers an unprofitable one. Towards the end, however, of 1840, circumstances occurred, which induced me to look with some anxiety on the extent to which I had, on the part of the government, made engagements for the payment of bounties on immigrants; and I determined shortly afterwards to issue no more unconditional promises of bounties."

After alluding to the extraordinary amount of

the land revenue in 1840, the first ten months having produced the large sum of £313,628. 18*s.* 1*d.* His Excellency proceeds:—

"In the month of November, these flattering prospects began gradually to fade away. By instructions under the sign manual which have been published, both in England and the colony, I was prohibited from opening the new lands on the Clarence River, and at Moreton Bay, to which I had looked confidently for a large accession of revenue. I was equally prohibited from selling land in the county of Macquarie, in which good lands remain unsold to a greater extent than in any of the counties which now form the middle district of the colony. In carrying into effect the same instructions, I also found myself forced to reserve from sale the most valuable lands in the Port Phillip district..... In the months, moreover, of October and November, 1840, the first appearances disclosed themselves of that commercial distress, which has since fallen so heavily on the colony; and which, by creating a great scarcity of money, has greatly diminished the ability of the colonists to purchase land."

"The revenue derived from the sale of land in the whole of the year 1840 was £316,626. 7*s.* 5*d*; that of the eleven months already elapsed, in 1841 is only £84,145. 5*s.* 7*d.* Meanwhile the impulse given to the bounty system in March 1840, has been producing its full effect, and an effect even greater than was expected from it, as the fre-

of vessels from the United Kingdom to Australia does not seem to have increased in the ratio that was anticipated, in consequence of so largely increased a demand; a circumstance, which is, I believe to be attributed to the depressed state of commerce at home, and particularly of the trade between England and America.

"The total number of immigrants introduced on bounty into the colony was, in 1840, 6697; and in 1841, up to the present date, it is 16,612..... If every thing due for immigration were now paid, the money now remaining in our treasury for the service of every department of government would be under £60,000.

"On the 11th of September last, I issued a circular notice to all persons who had received conditional promises of bounty, warning them that it was very probable, the government would not be in a condition to pay them. This notice will, it may be presumed, have the effect of greatly checking immigration; and in issuing it, I could not but feel apprehensive, that it might have this effect to a greater degree than would be salutary to the colony.

"The plan which I propose is, that the debentures, to be issued for the support of immigration, shall be secured on, and paid out of the ordinary revenue of the colony, if not satisfied within three years out of the land fund. That the debentures, as also the interest on them, not exceeding the

rate of six per cent per annum, shall be payable in London; and that none shall be issued for any other purpose than immigration, nor until the funds in the local treasury shall be less than £50,000; that none shall be issued after the 31st of December, 1842; and that the total sum for which they are issued shall never exceed £200,000."

The measure, thus proposed by his Excellency, was referred to a Sub-Committee of the Legislative Council, whose report takes a masterly view of the financial condition of the colony. The following extracts are of great importance, and notwithstanding their length, will be read with interest.

"There remained to the committee no other course than to adopt one of two propositions: to adhere to the measure proposed by his Excellency the Governor, or to issue debentures for circulation in the colony at eight per cent. per annum, for one or two years certain; but with liberty to use them at any time during that period in payment for land. With the available balance still remaining in the treasury, and the proceeds of the bills to be drawn against the amount due from the colony of New Zealand,* to meet immediate payments, your committee have no doubt that sufficient further funds would be obtained, as from time to time

* This alludes to the sum of £40,000 which had been advanced from the land fund of New South Wales to establish British authority in the islands of New Zealand.

may be required, by the issue of such debentures in periodical instalments. Your committee have been induced to recommend this latter mode of raising the necessary funds in preference to the course provided for in the bill, from a persuasion that, under all the circumstances of the case, it will be the most beneficial for the public; it will not interfere at this crisis so materially with the course of exchange, to the disadvantage of settlers, and others drawing against their shipments of wool and other produce; and it will avoid any chance of prejudicing in England the more extensive measure of a loan in aid of immigration, as recommended in a subsequent part of this report. If debentures be issued for circulation in the colony, secured on the land revenue, it will not be requisite to secure them also on the ordinary revenue; and, in such case, any act of the local legislature, would, in the opinion of your committee, be unnecessary.

"Your committee have directed their attention, with some anxiety, to the effect which is produced on the monetary affairs of the colony, by the immediate payment of large sums to the British ship-owner and provision merchant for the passage of emigrants, and which must be remitted to Great Britain, thus materially adding to the already large balance of trade against this colony. There is no doubt that eventually the effect of the importation of labour will be to create capital to a far

greater extent than the amount paid for its introduction, but in the meantime the withdrawal of that capital must be materially felt.

"The effect of this abstraction of capital would have been much more injurious, but for the operation of certain private companies, possessing, at the time, British capital for investment in this colony. Unless such a medium of remittance to England, as is afforded by the drafts of these companies had existed, the demand for bills to remit the charges for immigration would have been so great, that the rate of exchange would have risen to a premium, until it became more advantageous to import specie, which would have been withdrawn from the colony, to the great injury of its pecuniary resources. Such appears, indeed, to have been the case in the year 1840, when the diminution of coin, at the close of that year, as compared with the end of the previous year 1839, was no less than £118,488. 2*s*. 10*d*.

"In the present year, up to the 30th of September last, there has, however, been an increase of coin again of £37,601. 12*s*. 3*d*. which may be accounted for by the large importations during that period of British capital. The great inconvenience arising from the present mode of paying for immigration would be obviated in a great measure, if not entirely, by raising a loan in England, to supply the necessary funds, provided

that a period of several years were allowed for paying it off, as in the mean time the productive labour of the emigrants would have created the means of liquidating the debt. According to the present system, the payment is made, as it were, in advance, the inevitable effect of which is, to cripple the pecuniary resources of the colony, at least for a time, and your committee consider this as one of the prominent causes of the present monetary depression. It is a matter of vital importance to the best interests of the colony, that a regular and copious stream of immigration should be kept up, and experience has shown, that, although the sale of land may be relied on as the means of eventually yielding an adequate fund, yet from its very uncertain annual amount, it is not to be depended upon as the resource from which the expenses of immigration can be immediately and regularly provided for. Your Committee would, therefore, strongly recommend the measure of a loan as proposed by the committee of this council on immigration, which sat in 1838 and 1839."

The report of the committee was approved by the council, and resolutions in accordance with its suggestions were adopted.

The following extract from his Excellency's financial minute, July 26, 1842, will show how far his Excellency availed himself of the advice

of the council. From that document, it appears that the charges on the land fund for 1842, exceeded the receipts by £292,065. 12*s*. 9*d*.

"Moreover," says his Excellency, "during the portion of the present year already elapsed, the further sum of about £104,800 has been paid on account of immigration, whilst the amount derived from the sale of land in the half-year ending the 30th of June last, was only £7,566. 15*s*. 9*d*. In the address which I delivered to the council on the first day of the present session, I stated that this great expenditure, on account of immigration, has not only exhausted our treasury, but that, in order to meet its deficiency, I had issued, or was prepared to issue, debentures to the amount of £65,000. I have now, however, the satisfaction of stating, that the amount of debentures in circulation is only £49,500; and that, though there are still some unclosed accounts, both in the colony and in England, the outstanding balance against us, on account of immigration, is supposed to be under £10,000, and consequently the whole deficiency of the land fund is less than £60,000. On the other hand, the government has balances in its favour at the different banks in Sydney and Melbourne, which, as nearly as the account can be made up to the present day, amount to £39,000; and the expenditure of government, immigration [illegible] pended, is now well within its income."

The extent to which immigration was carried on during the year 1841 was unprecedentedly great. The amount quoted in his Excellency's financial minute of the following year as having been expended on account of immigration, was £331,971. 9*s.*; and the total number of persons introduced on bounty was 19,523, besides 3677 unassisted immigrants.

The sudden and almost total extinction of the land fund, which has been so fully elucidated in the previous pages, induced Lord Stanley, in the commencement of the year 1842, to suspend further emigration on bounty orders. "However desirable," observes his Lordship, in a despatch to Sir George Gipps, dated February 8, 1842, "it may be to keep up a continued supply of emigrants to New South Wales, I cannot consent to anticipate its land revenue for that purpose; and looking to the very large addition which will have been made to its population in the course of the past and commencement of the present year, I am strongly inclined to believe that the supply of labour furnished will have been at least equal to the demand, or, at all events, to such a demand as would realize the fair expectations of the emigrants."

Immigration having been thus suspended, this section might also have been closed, did it not appear impossible to omit any notice of those shameless frauds which marked the latter history

of the bounty system. The evidence appended to the Report of the Immigration Committee for 1842, discloses a history of fraud and forgery, a system of personation, falsehood, and breach of contract, which must be a standing disgrace to every one concerned in it; and the full exposure of which, on every occasion which offers itself, becomes the duty of all who are interested in the permanent welfare of the colony. Out of 21,126 immigrants, who embarked as bounty emigrants, no less than 1395 were found ineligible under the colonial regulations; and it is presumed that, had greater strictness been exercised, a still larger number would have been found liable to objection. The amount of bounty saved to the colony was £22,567, being about four and a half per cent. on the whole amount of bounties claimed.

In order to make the frauds which were practised against the colony intelligible, it may be necessary to mention, that every emigrant was required, by the regulations of the London commissioners, "to furnish himself with a certificate of health, age, character, and other requisite particulars, signed by a medical practitioner, and by two householders of repute, which signatures were certified either by a clergyman, or magistrate, or both. These certificates, when duly prepared, were sent to the office of the Colonial Land and Emigration Commissioners, and there examined;

or in case any deficiency in the number of persons embarking occurred on the eve of the sailing of a vessel, the government agent, at the port of embarkation, had the power of examining and passing these certificates. It was the duty of this last mentioned officer to inspect the emigrants before their departure, and to compare their appearance and their own representations of themselves, with the statement on the face of their certificates. If satisfied that the individuals were such as they were represented to be, he allowed them to embark, but not otherwise.

Notwithstanding these precautions, however, the grossest deceptions were practised, and were either not detected, or were suffered to escape detection, by the agents at the different ports of embarkation. Mr. Merewether, Resident Agent for Emigration, and Chairman of the Immigration Board, by whom the immigrants were examined before the bounties were paid by government, speaking generally of the immigrants who had arrived in the year ending May 1842, says, "that neither physically nor morally have they been of so good a description as might have been chosen, and as the colony had a right to expect." In answer to the question, "In what respect do you consider them ill-selected?" he replies, "Many of the single women have been proved to be of notoriously bad character; and many also to have been of a class much above that prescribed by the regu-

lations, and in every way unsuited to the present demand in the colony. Amongst the men, the immigrants whom I characterize as ill-selected, have been a number of those imported under the description of 'agricultural labourers,' which appears to have borne in England a most comprehensive signification, and to have included every grade of persons not mentioned in the bounty regulations, from classical tutors, down to lumpers and hodmen. I do not think that one third of the number calling themselves agricultural labourers were really such.

From a very large number of cases detailed in evidence before the committee, a few may be quoted, to show the peculiarly flagitious nature of some of the frauds attempted :—

1. "One woman, as appeared from her own statements to the Board, had been induced, by a clerk in the office of a sub-agent employed by a ship-owner to collect immigrants, to pass herself off as the wife of her own son; and one berth had been appropriated to herself and her son as man and wife."

2. "Another woman, who came out as a single female, was found to be a married woman, but discarded by her husband, in consequence of bad conduct, and allowed £30 a year; while on board, she conducted herself as a common prostitute; 'the constable on board took no steps to prevent such conduct, as she had an apartment of her own parti-

tioned off from the other emigrants, for which accommodation she paid the agent.'"

3. "It was a fact, that in more than one of the ports of embarkation, parties connected with the business of collecting and shipping emigrants, and even some of those whose office called them to be protectors of these poor people, actually provided themselves with concubines from the emigrants, whom they kept until the departure of the vessel, when they were packed off, in many cases, *en famille*."

4. "One man, stated in his certificate to be a *blacksmith*, proved to be a *ladies' shoemaker*, and was employed as such in Sydney; this man stated on oath that the certificate produced in his favour 'was filled up by a clerk in the selecting agent's office; that he knew nothing of the signatures attached to the document, and that the signature purporting to be his own was not written by him.'"

5. "Another flagrant case is thus detailed by the immigrant himself. 'I went, accompanied by my brother, to Mr. ——, the agent in ——; he told us we could go out as agricultural labourers, on payment of £1 each; we got certificates from him, to which we signed our names; we then asked him if we were to get the other certificates; he said not,—there was no use in putting us to that trouble, as he would do all, if we paid 6*d.* for each signature. Mr. —— put his own name down as one of the respectable householders. The Thursday

before we left, I went, accompanied by my mother, brother, and sister to Mr. ——, the commissioner's agent; on our way, Mr. ——, the clerk of the selecting agent in ——, asked us if we knew the names which were signed to our certificates. We replied, we did not; he then handed the certificate to us, and desired us to see, as the commissioners' agent might ask us. I never was an agricultural labourer; I was a clerk in a shipping office; my brother is a draper; my sister was never in service; she left school to come out here as a bounty immigrant.'"

6. "The following account is given by another immigrant, who applied to the selecting agent in ——, for a passage:—'He told me a ship was to sail in about a week, and that he would have a certificate filled up for me, if I would let him have 6*d.* for the doctor. I do not know who the medical man was, but I heard he used to attend at the —— inn, for the purpose of signing certificates for persons desirous of emigrating .... We were taken before the commissioners' agent, for the purpose of being passed by him. I had been previously prepared for this interview by the selecting agent's clerk, who directed me to give the following account of myself:—' that my father was dead, and that my mother had sailed for Australia in the ——. The commissioners' agent asked Mr. —— if my mother had sailed, as was stated by me; and Mr. —— said:—she had, he believed. In the evening, the

selecting agent's clerk came to the place where the intending emigrants were lodging, and a conversation passed between him and me, with some others, relative to the characters required. The clerk then addressed himself to a young woman, and asked her: if she had lived nowhere? She replied, she had lived with Mr. ——, but she could not get a character from him, as he would not permit her to start for Australia, if he knew such was her intention. He then requested me to write a character for the girl in her late master's name, which I refused to do, saying that it would be forgery. He then asked a young gentleman standing near me to write it for her. The young gentleman refused to write a character for her in another's name, but consented to write a copy of one according to the clerk's dictation, which he (the clerk) said he would transmit to Mr. ——, (the selecting agent at another town) that he might put it into the post-office there. The clerk said the one character would answer all, (meaning me and the four others included in the same certificate) and, therefore, required 10*s.* from me for the selecting agent in ——, as a reward for posting the character; adding, he could not be expected to endanger himself without obtaining some remuneration. I also gave him £2 to purchase things, he said, I should require on the passage. I paid him £6 for the perfecting the certificates, including my own name and those of the other four.' "

It is but right to state, that the "6*d.* a signature" system alluded to in the foregoing statements, was only *proved* to have existed in the case of one house. The following abstract from the Report of the Local Immigration Board, shows a degree of systematic villany, which it is difficult to contemplate without a shudder.

7. "The manner in which unmarried females are represented to have been shipped, without reference to character or to qualifications, by the person to whom Messrs. —— entrusted the selection of the immigrants imported by them, during this season, is so disgraceful, that we should have been inclined to receive the statements made in the course of our inquiries as exaggerated, but for the affidavit of —— (see above, No. 4;) not that we are surprised that but little attention has been paid to character, in the selection of females; but we could not have supposed that the evil, found by us to exist, was of so shameless and so base a character. The statements to which we refer, are on the evidence of four persons, from which we consider the following facts to be fully established:— 'That the clerk of ——, agent, has been more than once heard to say, that so long as he got his number of single women, he did not care if he took them from the streets.' 'That the same clerk has encouraged women of the worst character to emigrate under bounty permission.' 'That the same clerk was in the habit of getting certificates pre-

pared in a manner nearly approaching to forgery.' One of the witnesses states, that 'all individuals had to do, was to say that they would go, and this clerk would make it right for them.' 'The same clerk has been in the habit of directing single men who applied for a passage, to obtain from the streets or brothels, or whence mattered not, the requisite appendage of an unmarried female.' "

Such nefarious practices, as was only natural to expect, aroused the warm indignation of the colonists. It was true, that the pecuniary loss, in every case of fraud which was discovered, fell upon the importers; but to say nothing of a large number of cases, which were either not detected at all, or not until some time afterwards, the presence in the colony of so large a number of unsuitable persons as were really discovered to have been imported, was felt to be a serious evil. One mischievous effect has been that a great number of tradesmen have been for some time past crowding the streets of Sydney, occasionally almost besieging government house, and clamouring for employment; while the very presence of numbers of these persons is a proof of the extent to which the fraud and forgery of the selecting agents was carried. Humanity, indeed, teaches us to feel for the sufferers, but it is impossible not to recollect, that the colony was imposed on when the bounty was taken for them, and that they were themselves participators in the imposture. It is undoubtedly true, that many virtuous

persons are at present suffering from the depression of the times, to whom these remarks cannot be applied; but this only places the mischief more prominently in view; for it cannot but be felt that the scarcity of employment of which they complain is an obvious consequence of the unscrupulous and ruinous measures by which the labour market, in some departments, has been overstocked.

With respect to the unmarried females, several cases have transpired of a truly deplorable character. Besides the actual number of undoubted prostitutes who have been added to the colonial population, numbers of young women were shipped, by the instrumentality of such men as the clerk mentioned in the Report of the Immigration Board, who, though not positively of bad character, were totally unfit for the colony, and arrived on its shores without any prospect of employment. There are, at this moment, scores of well-educated young women in Sydney, who were tempted to come out by these kidnappers, unable to procure adequate support; and though some of them honourably struggle to earn a few miserable pence by their needles, or by a paltry school, too many have been driven by despair, and by the want of a home, to the paths of shame and infamy.*

* In connection with this subject, it would be unpardonable to omit noticing the disinterested exertions made by Mrs. Chisholm, in favour of the unprotected and friendless females, who have latterly been landed in such numbers on our shores. Alluding to the friendless fem

It were to be wished that this tale of deception and mischief could be closed with the embarkation of the immigrants. Unhappily, however, the disclosures made respecting many of the ships, left no room to doubt that, from the moment of the vessel leaving the port of embarkation, it became a scene of riot and debauchery of the most disgusting character. In making a statement of this sort, it is no more than just to give the names of those vessels respecting which facts of this nature transpired, and from the officers and surgeons of which the usual gratuities were consequently withheld. It appears from a return, appended to the Report of the Immigration Committee for 1842, that gratuities were either totally or partially withheld from the officers and surgeons of the following ships: 'Queen Victoria,' 'New York Packet,' 'Albatross,' 'Carthaginian,' 'Mathesis,' 'Agnes,' and 'Sir Charles Napier. The only exception appears to have been,

in the text, Mr. Merewether, agent for Immigration, observes, in his report for 1841, that "this lady generously came forward to rescue these poor creatures from ruin and misery, and has, for the last seven months, single handed, and at an entire sacrifice of time and comfort, been labouring to obtain situations, for any, or all, who made applications to her. She has deserved my thanks in my official capacity, and I am anxious thus to record them." It is gratifying to add, that Mrs. Chisholm's active and disinterested exertions on behalf of the unemployed poor of all classes, continue unabated to this hour, and have caused her name to be held in the highest reverence [illegible] colony.

the surgeon of the 'Sir Charles Napier,' the master of the 'Albatross,' and the subordinate officers of the 'New York Packet,' 'Albatross' and 'Carthaginian.' Dr. Tierney, the surgeon and superintendent of the 'Sir Charles Napier,' deserves honourable mention for the manly way in which he appears to have come forward to expose the gross frauds which had been practised in the shipment of the emigrants, and the "immorality" which had "prevailed to a disgraceful extent during the passage," and which he had in vain endeavoured to repress. In consequence of Dr. Tierney's representations, which were supported by the most respectable of the immigrants, his Excelleney refused to sanction the payment of any bounties on the immigrants by the Sir 'Charles Napier.'*

It appears, however, that many ships were much more scandalous in respect of morality than the 'Sir Charles Napier.' The sale of spirits to the immigrants on board, was, in many cases, proved to have been carried on to a shameful extent. [illegible] 'Agnes,' one immigrant, whose [illegible] him to be a "farm servant," was [illegible] been a purchaser of spirits, wine, [illegible] visions, to the amount of £13. [illegible] man, having exhausted his [illegible] allowed to continue to purchase [illegible] leaving his watch in the hand [illegible] board the 'Duke of Ros[illegible]

[illegible] portion of these boun[illegible] [illegible] of the Home Gover[illegible]

unmarried females conducted themselves in a most disorderly manner; and it turned out, on inquiry, that they had been taken from the Newington workhouse, and that some of them had undoubtedly been prostitutes from an early age.

In their report, the committee very justly attribute much of the immorality which prevailed on board some of the ships to have arisen from the appointment of men to the important office of Surgeon-Superintendent, who, from their youth and inexperience, were often totally unfit for the control of a large number of persons. It was in the hope of inducing gentlemen of the medical profession, of superior qualifications, to engage in the emigration service, that the committee of 1840 recommended the payment of a gratuity to the Surgeon-Superintendent, amounting to 10*s.* 6*d.* for each approved immigrant landed in the colony. It was soon discovered, however, that this provision had been perverted from its proper design, and had gone to swell the profits of the emigration agents, who were known to have required, in very many instances, a guarantee from the surgeons, that they would pay a sum out of their expected receipts for their own passage. In some cases, the surgeon was even required to pay for his passage before embarkation. Not unfrequently, in consequence of these arrangements, the surgeons became participators in, or, at least, silent spectators of the frauds of the agents; as they were bound by the articles of their agreement, some

of which the Local Board succeeded in procuring, "to assist in passing the emigrants so as to procure payment of the bounty." An instance occurred in the case of the 'Queen Victoria.' The account is taken from the Report of the Immigration Board:—

"The next case, that of J. C. and C. W. is one in which, we regret to say, fraud is combined with neglect. These parties appear to have been received on board as man and wife, and according to the surgeon's statement, they slept together for some weeks, when they quarrelled, and declared that they were not married. They were then separated, and C. W. took her place among the single women. Certificates were then fabricated on board, under the direction of an individual, who acted as attorney for the agents in London, and such signatures as are usually attached to these documents were inserted. These certificates were deposited in the office without comment, and J. C. and C .W. were passed by the Board as single people of good character, without a remark from any of those persons present who were aware of the circumstances of the case, except that when C. W. was found to be without the requisite protection, the surgeon came forward and said, that she had been under his special care."

In the case of one vessel, a person had been appointed to the office of Surgeon-Superintendent, who was grossly incompetent, both from professional incapacity, and irresolution of character, to

discharge the duties of his responsible situation. A surgeon was also sent out with another ship, whose conduct appears to have been the subject of severe animadversion. In a Report from the Immigration Board, we find the following sentence: "We must express our surprise, that a person so ill-educated, and of so ill-regulated a mind, as his letters to us show him to be, could have been appointed to so responsible a situation, or that he could ever have been in possession of such testimonials as would admit of his application for such employment being entertained."*

Complaints were also made by immigrants that they had been ill-treated in various ways by the surgeons and officers; one case, in particular, was the subject of a trial. before the Supreme Court. A single female, who, though of a peevish disposition, appears to have been of good moral character, had, on two occasions, been brought on deck and hand-cuffed, when buckets of water were thrown upon her by the surgeon and the captain; she had afterwards been kept on the poop in her wet clothes until after eleven o'clock at night. The only provocation alleged for this inhuman treatment was some paltry dispute about cleaning a mess-kid. The surgeon and captain were imprisoned six months, and fined £50 each.

* On account of the bad conduct of the surgeon and captain of the vessel referred to, and the insufficiency and bad quality of the provisions, not only the gratuities of the officers, but also the bounties, were refused.

in addition to which their gratuities were withheld by the government.

In consequence of such circumstances as have now been mentioned, it became necessary to devise some plan for the better regulation of immigration, in the event of its being revived. It was accordingly recommended that the ships employed in the service should in future be provided, fitted out, and victualled by contract; one half of the contract money to be advanced in England, and the other half paid in the colony, on the surgeon's reporting favourably as to the performance of the contract. It was further recommended that the business of selecting emigrants should be entrusted to officers under the superintendence of the colonial land and emigration commissioners, and paid by the colonial government by head money on every approved immigrant landed in the colony. And with regard to the Surgeon-Superintendent, it was proposed by the immigration agent, and recommended by committee of council, that he should be [illegible] by the colonial land and emigration comm[illegible] who should require certificates, not [illegible] the professional qualifications of the can[illegible] also as "to his character for humanity, uprightness, and self-respect." That, [illegible] nation he should be required to pre[illegible] to th[illegible] officers of the Board [illegible] and t[illegible] final appointment sh[illegible] the rep[illegible] se officers.

The subject of immigration will be resumed, when the proceedings of the new Legislative Council are brought under review. In the meantime, the reader's attention must be invited to other subjects of importance connected with the history of the period under consideration.

SECTION IV.

DISCONTINUANCE OF TRANSPORTATION.

A History of Transportation, including details of all the methods which have been adopted in the American and Australian colonies to render it efficacious as a secondary punishment, would form an interesting and valuable work. Even an attempt to give such details would be incompatible with the limits of these volumes; nevertheless, the subject of transportation is one which at present occupies so considerable a share of public attention, that a mere account of the circumstances immediately connected with its discontinuance would hardly be regarded as satisfactory. It will be proper, therefore, to give in this place a succinct account of the great penal experiment which has been instituted in New South Wales, and Van Diemen's Land, in order to render intelligible the inquiry which will subsequently arise, viz: whether the circumstances which led to the discontinuance of transportation to the elder colony

are inseparable from the nature of the punishment, or have been developed rather by the lax and inefficient mode in which the punishment has been administered?

This question, the importance of which cannot be over-estimated, admits of a two-fold discussion, according as transportation is viewed, as a mode of punishment, or as an instrument of colonization. The former view is more readily taken by residents in Great Britain, the great majority of whom consider transportation simply as an outlet for the overflowing of the criminal population, its punishment consisting chiefly in the exile from country, and entire disruption of associations which it involves. To persons of sensibility and moderate education, this appears a truly dreadful punishment, and nothing further is requisite to convince such persons of its efficacy as a deterrent. But besides the prevention of crime through the operation of terror, which is the primary object of all punishment, there is or ought to be, in the institution of secondary punishments, another object in view, viz: the restraint and ultimate reformation of the criminal. It is in this latter view of the subject that the free settlers in a penal colony feel most deeply interested.

In order to enable the reader, as far as possible, to form an independent judgment on these questions, his attention is invited to the following account of the mode in which the punishment of

transportation has been adhibited in the only two colonies where it has been tried on a large scale; premising only that the general principles pursued both in New South Wales, and Van Diemen's Land were the same; the differences existing only in minute details adopted by different Governors which do not affect the main question.

In the act of the imperial parliament (4 Geo. I. c. 11) the first trace of the system of transportation is to be found. The preamble of this act recites the great scarcity of labour which existed in his Majesty's plantations in America, and provided for the supply of this scarcity by the transport of convicts from Great Britain.* The revolt of the American colonies, in 1776, compelled the imperial government to devise other schemes for the disposal of criminals, and it appears from several acts passed about that time, that government was considerably perplexed on this matter. By one of these acts (19 Geo. III. c. 74) provision was made

* Transportation to America was arranged in a very different manner from that practised with respect to New South Wales. When government wished to get rid of a number of convicts, parties were always found willing to contract for their transport, on condition of being allowed to dispose of them among the settlers, who purchased their services from the contractor, to which services they became entitled until the term of transportation expired. Even if the royal prerogative of mercy were extended to the criminal, he could not avail himself of it, until his master was reimbursed for the sum he had originally paid for his ser[illegible]

for the erection of two penitentiaries, for the confinement of offenders convicted of crimes for which transportation had been usually inflicted, who were to be " ordered to solitary confinement accompanied by well regulated labour and religious instruction," a course of moral and physical discipline, which it was hoped " might, under Providence, be the means, not only of deterring others from the commission of the like crimes, but also of reforming the individuals, and inuring them to habits of industry."

These passages quoted from the Act of 1779, show that the legislators of that age were by no means ignorant of the nature and legitimate design of secondary punishments, though they doubtless were not actuated by the sentimental philanthropy of the nineteenth century, that more active kind, of which the life of John Howard furnishes so striking an example, being in greater repute; and it is a peculiarly instructive fact, that notwithstanding the passing of this act, the penitentiaries were never erected; the government having on mature deliberation, decided, that transportation, both as a deterrent, and as a reformant, was best secondary punishment that could be [illegible] This decision certainly is not [illegible] in any statute;* governments

* In a paper on secondary punish[illegible] Esq., published in the appendix [illegible] portation committee of the Hou[illegible]

place on record any evidence of their fallibility; but that such was the general impression of enlightened men at the close of the last century, may be inferred from the satisfaction with which the departure of the first fleet to the eastern shores of Australia in 1787 was hailed by the British public. This settlement was formed with a threefold design, viz: 1st. To rid the mother country of the presence of convicted criminals. 2nd. To provide for the safe custody and punishment of those criminals. And 3rd. To form a British colony out of those materials which the reformation of those criminals might gradually supply to the government, in addition to the families of free emigrants, who might, from time to time, be induced to settle in the newly discovered territory.

the following passage occurs: "This short summary of the history of transportation tends to show, that its adoption does not rest upon any broad and deliberately sanctioned principle; that its origin was owing to that state of things in the American plantations which led to the illegal kidnapping of Europeans, and to the legalization of the slave trade; and that its continuance was forced upon government against its wishes by the immediate pressure of events." It is difficult to conceive that the author of such a passage as this had any other intention than to throw dust into the eyes of the public. He cannot mean seriously to assert, that the foundation of this colony was forced upon government against its wishes, or that the continued transportation of criminals hither did not give a deliberate sanction to the broad principle stated in the text.

It must be admitted [illegible]
has been fully attained.

Transportation secure[illegible]
this advantage, above [illegible]
ment, that the criminal [illegible]
from the scene of [illegible]
are by this means [illegible]
With regard to the [illegible]
it cannot be denied, [illegible]
imperial government have [illegible]
extent which might have [illegible]
the details of the system [illegible]
the first, instead of being [illegible]
harassing operation of circum[illegible]

For many years after the [illegible]
colony, as the reader is aw[illegible]
were not sent from the mother [illegible]
numbers than could be employ[illegible]
immediate superintendence of [illegible]
degrees, however, the arrival of [illegible]
capital opened another field for the disposal
the convicts, and the system of assignment in
sibly came into operation. Assignment, howe
was permitted only to a limited extent for m
years, gov[illegible] always retaining large numb
for emplo[illegible] public works and ro
Almost all [illegible] thoroughfares of the col
and many [illegible] most useful public buildi
were comp[illegible] convict labour, during
administra[illegible] Governor Macquarie.

mother country, however, began to perceive, that the course which had been pursued was not likely to effect the original design, and that in the meantime, an enormous expense was incurred, in return for which no advantage was received, except the negative one of getting rid of her redundant criminals. Accordingly, it was considered expedient to afford every facility to the assignment system; and, as has been mentioned before, Sir Thomas Brisbane was empowered to grant lands to free emigrants, of extent proportionate to the number of convicts their capital warranted them in undertaking to maintain. The result of this facilitation of assignment was, that in a very few years, the government had not a single male convict to dispose of.

It will now be necessary to explain more particularly the system of assignment.

Though the imperial government had from the first perceived the efficacy of transportation as a punishment, it is nevertheless a remarkable instance of oversight, that no provision was made at the time when the first settlement was formed in Australia, nor for some years afterwards, by Act of Parliament, for securing the person or services of the transported convicts.* By instructions from

* The old transportation Acts, which had been passed with reference to America, could not apply to Australia. In the latter country, there were no settlers waiting to purchase the services of the convicts; and instead of being

the Secretary of State, indeed, the Governor was authorized to employ the convicts according to his discretion; but the opinion of eminent lawyers has been, that such employment by the Governor was illegal, no authority but that of Parliament extending to the life or personal liberty, even of convicted criminals. The sentence pronounced by the judge is, that the offender shall be transported "to such other part of her Majesty's dominions beyond the seas as her Majesty shall be pleased to appoint," and the further disposal of the convict was formerly left as a matter of official regulation, though there can be no doubt, that on his arrival in the colony, he was, legally, free to dispose of himself as he pleased, being obliged only to continue in banishment until the expiration of the period named in his sentence. This defect in the criminal code of Britain was remedied by the Act of 5 Geo. IV, c. 84, commonly called the Transportation Act, which defines the power of the Secretary of State to appoint a place within his Majesty's dominions to which the convict shall be transported. It further provides, that on his arrival in the

taken out by a contractor, who accepted the power of sale of the convicts' services as an equivalent for the cost and trouble of their transport, the convicts were, in the first instance, sent out in charge of the Governor of the colony, an officer who was not recognized in any Transportation Act, in existence at that time, as having any control over the services of the convicts.

country he shall be delivered over to the Governor, who shall have a property in the services of such convict, and who may assign such convict over to any resident within the colony, who shall have a like property in the services of the convict for the term of his transportation, with a power of assigning to any other person, with the assent of the Governor, each assignee having a property in the services of the offender.

The Assignment System having been thus legalized, it began to be brought into very extensive operation. A Board, consisting of several government officers, was appointed, whose duty it was to receive applications from parties desirous of employing convict servants, and to assign these convicts to the parties whose applications were approved, on a scale in conformity with the government regulations, according to the grant of land they possessed, excepting of course those who were assigned as domestic servants, in which case no reference was made to land or property of any kind. On the arrival of a transport, the port-master proceeded in a boat, and boarded the vessel, examined into the state of the prisoners on board, and left strict instructions prohibiting any intercourse whatever with the shore. On his return, the Colonial Secretary, accompanied by a medical officer, proceeded on board, and inquired into all particulars connected with the convicts, who were drawn up for his inspection, and

cially whether there were any complaints, either on the part of the convicts, or on the part of the Master, the Surgeon-Superintendent, or the officer of the military guard. The Colonial Secretary then returned to the shore, and reported to the Governor. He was accompanied or followed by the Surgeon-Superintendent, who presented the official despatches from the Secretary of State.

These included what was termed the *Indent*, being a nominal list of all the prisoners on board, their period of sentence, and, in the case of Irish transports only,* the crime for which they were transported. The surgeon also presented a return, prepared by himself in accordance with instructions received at home, showing the name, birth-place, age, crime, period of conviction, place of sentence, marriage or otherwise, extent of education, character from gaoler, character from the hulk, alleged qualifications for employment, and lastly his behaviour on board the transport. The surgeon usually added to this any information which he had been able to collect from the prisoners themselves during the voyage. The Assignment Board then assembled, and the above mentioned returns were placed before them by order of the Governor, by

* A great number of the convicts who arrived from Ireland were expatriated for political, rather than moral offences, which circumstance being known to the Governor, he was enabled to act on that knowledge at a future time for the benefit of the prisoner.

which they were guided in apportioning the convicts among the applicants. A certain portion were retained for immediate employment on public works by government, the remainder were assigned to private service, among the country settlers, or among the town population.

On receiving the convict from the hands of government, the assignee paid £1. for the bedding and slops with which the convict had been already furnished, and undertook to supply him with food and clothing according to the following scale, viz: 12 lbs. wheat, or 9 lbs. second flour; or, in lieu thereof, at the discretion of the master 3 lbs. maize meal, and 9 lbs. wheat, or 7 lbs. second flour; 7 lbs. beef or mutton; or 4½ lbs. salt pork; 2 oz. salt; 2 oz. soap; two frocks or jackets; three shirts; two pair of trowsers; three pair of shoes; one hat or cap. It is scarcely necessary to observe, however, that almost every master allowed his servants more than the quantities prescribed by government, besides various indulgences, such as tea, sugar, and in most cases, tobacco. The advantage of these extra allowances was obvious; for not only was the convict stimulated to exertions which far more than compensated for the trifling additional outlay, but the master was furnished with a mode of punishing his servant for minor offences, by restricting him to the bare government rations.

With regard to the convict himself, before being

delivered over to his future master, he was made clearly to understand the circumstances in which he would thenceforward be placed. Any dreams in which he might have indulged, of a life of bliss in a land of milk and honey, or "of peaches and pound notes," were at once dissipated. He was reminded that the situation he occupied was the consequence of his crimes; but, that notwithstanding his present degradation, it was in his power, by continued good conduct, to redeem the character he had lost. It was also explained to the convict at what periods his conduct would entitle him to indulgence; he was also told that government had provided for his being supplied with a proper allowance of food and clothing, and that his master would be expected to comply with the regulation in this matter; while he, on his part, would be expected to give the whole of his time without further remuneration. He was warned, in conclusion, that a code of laws had been enacted for his peculiar circumstances, which rendered him liable to summary conviction before one or two justices of the peace, and punishment by flagellation, or being sent to work on the roads, for neglect of duty, insolence, drunkenness, pilfering, absconding from service, &c. &c. The assignment list being then signed by the Governor, the men were distributed accordingly.

Having provided the convict with food, clothing and lodging, and having established the summary

jurisdiction just mentioned as a check upon his conduct, while at the same time he was himself at liberty to complain to any magistrate, if he was harshly treated, or defrauded of his allowances. Having set the machinery of this system in motion, government appears to have considered that nothing farther remained to be done. It seems to have been taken for granted, that every assignee would, as a matter of course, and for the promotion of his own interest, do all that in him lay to aid in reforming the convict; and consequently that any interference on the part of government, in the shape of moral regulations, would have the ungracious appearance of an intrusion on the domestic arrangements of private individuals.

There can be little doubt, that to this false delicacy, to use no stronger term, the colony owes the loss of convict labour, while the mother country will be subjected to the expense of maintaining a large number of prisoners within the walls of the penitentiaries, or be compelled to found new penal colonies. But perhaps this assertion may require some explanation. In order to show, that government would have been fully justified in prescribing the most minute regulations for the management of the convicts in assignment, and in providing for their religious instruction, these two things may be mentioned: 1st. The presumption that men, as a matter of course, will attend to their own interests, argues a very deficient knowledge of the human heart. Even admitting that men

always knew the course which their interest required them to pursue, the number who have strength enough to maintain that course regardless of the suggestions of passion, and the influences of an evil world, are few indeed. And, secondly, the interference of the government in the management of assigned convicts could under no circumstances have been regarded as an intrusion. It was, on the contrary, a sacred duty. The convict, having forfeited his liberty to the laws of his country, is reduced as it were to a state of pupillage under the government, which is responsible to God for its management of this charge. If in consideration of the maintenance of some of these "infants," (for such, *in law*, are convicted felons), government foregoes for a time the right to their labour, it is not thereby absolved from the moral charge which had also devolved upon it. Government is bound to provide for the religious instruction of convicts, precisely on the same principle that a father is bound to provide it for his children, though some be rebellious; and as a father, who binds his son as an apprentice, (thus placing him in *assigned service*), is bound to provide that the master to whom he is assigned is a man of character, who ruleth his house in the fear of the Lord; so the government, in transferring the services of the convict, were bound to provide, with a view to their reformation, that they should at least be placed

within the influence of the ordinary means of grace.

No such provision, however, was made by government. The principal qualification required in assignees was property. The man of acres, the man of flocks and herds, the man of bank credits, were presumed to be men of respectability; whereas many individuals who could boast of all these qualifications, deserved rather to be in the situation of their assigned servants, than holding the responsible position of masters. It is notorious, that many persons applied for, and obtained assigned servants from government, who were utterly unworthy of so important a trust; and the consequence was, that the Assignment System, instead of being a means of restoring the convict to society, a wiser and a better man for the discipline he had undergone, was in many cases made a mere instrument of gain in the hands of avaricious and unprincipled men.

The importance of these remarks will appear more evident when it is remembered, that for more than thirty years after the establishment of the colony of New South Wales, the principle seems to have been acted on, which was unhesitatingly avowed by Governor Macquarie, "that the colony was made for convicts, and for convicts only." The fallacy of this principle has been already exposed in this chapter. It is, however, not the less true, that on this principle the colony

was governed for more than thirty years; and though assignment in those days was only permitted to a comparatively small extent, yet even while immediately under the eye of government, scarcely any attention was paid to the religious instruction of the convict.

In the meantime, though the expiration of sentences, and the granting of indulgences and pardons was fast raising up a freed population; it never seemed to have entered into the calculations of government, that the establishment of such a hive of ruffians and desperadoes, even in a distant region of the world, was a grand nuisance among nations, which, but for the subsequent influx of free immigrants, might have grown to a fearful magnitude, and have become, at a future date, the Algiers of the Southern Hemisphere. It is, in fact, difficult to find appropriate terms, adequately to characterize the culpable and short-sighted policy pursued by the mother country towards New South Wales, so far at least as regards the management of convicts. No sooner did free immigration commence, [illegible] the necessity was immediately perceived [illegible] viding religious instruction, but this [illegible] seems not to have been supposed to [illegible] the case of the convict population, whether [illegible] under sentence, or emancipated; or, at [illegible] if its existence was admitted, no one [illegible] think[illegible]g any charge concerning

The government not having thought it necessary to issue any regulations for the moral management of the convict; the assignees, in a vast majority of instances, followed the negative example set before them. Instead of receiving his convict servant as a charge with which a peculiar responsibility was connected, the master, too generally took no interest in his welfare, beyond what was necessary to secure the performance of a certain amount of labour. The men were lodged in huts removed from the master's eye; and if they did their work, they got their rations, as their fellow labourers, the horses and bullocks. Under such a system, or rather absence of system, it cannot be a matter of surprise that instances of reformation among the prisoners should have been very rare, or that crime should have prevailed in the colony to a fearful extent.

On most of the large estates in the colony, the servants were lodged in huts erected at some little distance from the proprietor's residence; four men usually occupying each hut. In these huts, the proprietors generally required their men to be housed by eight o'clock in the evening, and the fact that they were so was generally ascertained by actual inspection; but it was found totally impossible to prevent the men from going out afterwards. Some few convicts were, indeed, found to occupy their leisure in plaiting hats of the split leaf of the cabbage-tree, or in

other similar employments, which were always encouraged, on the ground of their keeping the men out of mischief,—though the money obtained by the sale was left at the convicts disposal, and was too often wasted in gambling, or drinking. Had masters only permitted this occupation on condition that the money should be laid up till the expiration of the probationary period, when the convict would become entitled to indulgence, a small capital might, in almost every case have been created sufficient to have enabled the man to avail himself of the full advantages of his ticket-of-leave. But it was only a few of the convicts who were found disposed even to this species of work. The majority of them found means to gratify their appetites by petty plunder, either of their own masters or of others, and they had unfortunately great facility in disposing of the stolen goods to a set of men who were to be found upon the borders of every large estate, and who were known by the name of *squatters*. These were ticket-of-leave holders, or freed-men, who erected a hut on waste land near a great public road, or on the outskirts of an estate where a number of convicts were employed, and immediately became the nuisance of the district. The convicts were supplied with liquor in exchange for property when money could not be procured; they had also facilities

of meeting with women, particularly the black gins—the complaisance of whose husbands was to be purchased by a little tobacco or rum; and lastly, in these dens of iniquity, robberies, and often worse crimes were concerted, and the booty concealed.

The evils arising from this source have been already noticed in the account given of the growth of the pastoral interest; the regulations which were issued, as the reader is aware, put an end to squatting within the boundaries of location, and reduced it to a system without the boundaries. But the evil was the natural result of the loose management which prevailed in most of the large establishments; the temptation offered by the "sly grog shop," was too much for the moral fortitude of men, most of whom had passed through every grade of dissipation, and who were subjected to no efficient control, not to speak of reformatory discipline. The fear of summary punishment was undoubtedly operative to a certain extent; the men, when kindly treated, would do a certain amount of work, and, generally speaking, kept within some kind of bounds in their midnight excursions, and had some compunctions in the matter of plunder; but whatever good might have been done by judicious masters, limited as that could but be in the absence of systematic religious

instruction, was entirely destroyed by the pestilential miasma arising from the "sly grog shop."*

* "There are several parties of squatters in my neighbourhood. I detected, not long since, three men at one of their stations in the act of slaughtering one of my own cattle. I have strong reason to suspect that these people are in general, illicit sellers of spirits. I had occasion to search one of their huts some time ago, at a considerable distance from my own place, and found in it many signs of its being a grog-shop, such as an empty keg, empty bottles, and measures;—the latter, however, might have been used for ordinary purposes, as well as for measuring spirits, together with a number of orders drawn by overseers of large establishments in the neighbourhood on the proprietors for small sums of money, but amounting in all to about one hundred pounds. The owner of the hut had no ostensible means whatever of getting these orders honestly. I can, of course, say nothing of this man's character from my own observation, having never seen or heard of him before, but I have not the slightest doubt, judging from the circumstances observed on this occasion of the correctness of the common report of his being a 'notorious grog-seller.' Many of the small settlers are also in the habit of selling spirits; but it is most difficult to obtain proof against them. I consider that the greater part of the crimes committed in the interior arises from the sale of spirits; many persons dispose of it in quantities not less than two gallons at a time, thereby avoiding the penalty of retailing without a license. This large quantity is obtained by a number of convicts and other servants clubbing together for its purchase."—*Evidence of T. A. Murray, Esq., J.P. before Committee of Legislative Council on Police and Gaols*, 1835.

"These persons (squatters) are almost invariably the instigators and promoters of crime, receivers of stolen

But, as if the mischief could not spread fast enough, a government order was actually at one time issued, authorizing settlers to pay ticket-of-leave and freed-men for one third of their labour in liquors, if they chose to accept it. So little discrimination had the majority of the assignees, that this practice had grown to a disgraceful extent, before government took any notice of it. At length, informations having been laid against several gentlemen for selling spirits without license, the matter was investigated, and as the parties informed against chose to represent that "nothing could be done without a little rum," the Executive most considerately legalized that ruinous custom, and thus threw an additional obstacle in the way of the eventual reformation of the convict or emancipist. While such things were tolerated, can it be wondered that the con-

property, illegal venders of spirits, and harbourers of runaways, bushrangers and vagrants. The congeniality of habits between master and man, the absence of all restraint, and the predatory life they lead whilst collecting stolen cattle, has a charm for them which even considerably higher wages in the service of respectable employers will not induce them to quit. They keep up a constant intercourse with our assigned servants, and knowing the weak points of each establishment, seize their opportunity, and commit depredations, particularly upon cattle, with impunity. I am convinced that all the petty pilferings occurring on our properties might be traced, directly or indirectly, to the agency of these squatters."—*Evidence of W. H. Dutton, Esq. J.P., before same Committee.*

victs in assignment often grew worse instead of better; and that the population gradually formed out of such elements should have exhibited a moral appearance disgusting and humiliating in the extreme?

But the list of abuses of the Assignment System is far from being complete. Even in the remote districts, which have as yet been chiefly noticed, those familiar with the details of the system will readily call to mind other evils which had become so mixed up with it, as almost to have been considered its inseparable adjuncts. The bad example of many of the masters, the tyranny of some, the culpable facility of others, were fruitful sources of corruption, in the one case tempting the men to crime, in the other exasperating them to revenge, which was often satiated only by the barbarous murder of the obnoxious master; while gangs of desperadoes were collected in the bush, consisting of convicts who had fled from their assigned service, and who spread terror and destruction through the whole country. To multiply details on this subject would be unnecessary. It must be perceived, that tyranny on the one hand, and indulgence on the other, were but natural consequences of the policy of government, which consigned the convicts to the arbitrary authority of men too often utterly unfitted for such responsibility.

It was, however, in the towns that the Assign-

ment System was most grossly abused. Parties frequently obtained, as assigned servants, convicts who understood a particular trade, which trade they were furnished with means of carrying on, and the assignee shared largely in the profits. Men under sentence as convicts were thus foisted into society as free-men; their condition, instead of being one of punishment, became one of comparative independence; the accounts of such things when received in England, operated as an incentive to crime; and a system of wholesale bribery was established which destroyed any benefit that might have resulted from a police already the most wretched and inefficient in the world. In fact, the assignment of convicts as servants in towns was a most dangerous practice, adopted at first from the impossibility of procuring free servants, but continued from a wretched desire of gain, a determination to make money by any means however vile.* In a Report from Colonel Wilson, first police magistrate of Sydney, appended to the Report of the Committee of the Legislative Council on Police and Gaols in 1835, the following passage occurs:—

"Sydney now covers an area of more than

* It is a revolting fact, that individuals were to be found, who did not disdain to receive the wages of prostitution, earned by their female assigned servants; yet these wretches were neither pilloried nor hooted from the colony.

two thousand acres, and contains a population probably of twenty thousand souls. This population includes a great proportion of prisoners of the Crown of both sexes; persons whose passions are violent, and who have not been accustomed to control, and yet, for the most part have no lawful means of gratifying them. It includes great numbers of incorrigibly bad characters, who, on obtaining their freedom, will not apply themselves to any honest mode of obtaining a living, but endeavour to support themselves in idleness and debauchery, by plunder, but who cannot be drawn from their haunts by the same process that vagabonds are disposed of at home. I believe it will be unnecessary for me to express my opinion, that there is more immorality in Sydney, than in any other English town of the same population in his Majesty's dominions. It contains two hundred and nineteen public houses, and there are so many places where spirits are sold without license, that I feel myself incompetent to guess at their number.

"There is no town which affords so much facility for eluding the vigilance of the police. The unoccupied bush near and within the town itself, will afford shelter to the offender, and hide him from pursuit; he may steal or hire a boat, and in a few minutes place an arm of the sea between him and his pursuers. The want of continuity in the buildings of a widely extended but young town,

affords greater facilities for lying in wait for opportunities of executing a wicked purpose, for instant concealment on the approach of constables, and for obtaining access to the backs of houses and stores, than are to be found in towns at home, where there are few unoccupied spaces. The drunkenness, idleness, and carelessness of a great portion of the inhabitants afford innumerable opportunities and temptations by day and night to those who choose to live by plunder."

In reference to this extract, Chief Justice Forbes observes: "That this is a true description of the actual state of Sydney, who can deny?" And in further explanation, the following evidence may be quoted, which was taken before the Committee of the House of Commons, on Transportation, in 1837. The foregoing extract having been read to one of the witnesses, he replied: "I should say that is a complete picture of that state of society; the thing could not be better drawn, and I may as well add to what you have just read, that a great deal of it occurs in consequence of emancipists. Perhaps a man has just become free; he has convicts assigned to him, the same as any gentleman, no matter what his rank in society may be; this man will have convicts assigned to him, and they eat and drink at the same table, they get drunk together, and they are perfectly on a footing, and of course placed under no control..... I have known instances where the

convict man has been literally master of the house, and has got intimate, &c. &c."

Another source of the most glaring abuse, was the assignment of convicts to their wives. Several instances of a most flagrant kind are still fresh in the remembrance of many of the colonists. So little inquiry was made, or rather such gross neglect was permitted, that at one time, the wives of convicts who came from England with considerable property, were permitted to have their husbands assigned to them. The following extract from the evidence taken before the Select Committee on Transportation contains an account of a notorious case.

Question 1686.—"The wives brought out considerable property, did they?"—"Yes; for instance, I can relate an instance of one man in particular. I may mention his name; he is a very notorious character, a man of the name of ——, who was transported, and his wife went to the surgeon of the ship in which he was going out; she was very anxious to get a passage in the same ship; she said she would not mind giving £200 or £300, provided she could go out in the same ship with her husband. The surgeon told her it was impossible; no money could procure her a passage in that ship. She followed immediately afterwards; the man was assigned to her, and I know, from very good authority, that she took out £2,000 or £3,000 with her. He was assigned to her; and

ever since, they have kept one of the most extensive haberdasher's shops in Sydney."

Question 1687.—"In whose name was it kept?"—"They used to advertise, and their bills were headed ——; and —— was over the door. They also kept a large cash account in one of the banks, £2,000 or £3,000 frequently; that was so managed, that if any inquiries were made, it was Mrs. ——'s. In fact, this man was so well off, that he did not attend to the shop himself, he was generally seen riding about the streets on horseback, or driving in some conveyance, and attending the theatre and public places of amusement at night."

Question 1688.—"He was still a convict?"—"Yes."

Question 1689.—"Do you suppose the property brought over by his wife was the result of robbery in England?"—"Yes. I heard what the robbery was; I understood it was some extensive concern, either mail-coach or bank robbery; that is what I was told."

So flagrant a system as this could not long be permitted to continue; the outrage upon propriety was too gross. The assignment of convicts to their wives was accordingly discontinued, except in cases where the convict had undergone a certain probation, and generally the practice was much discouraged. The culpable negligence or connivance of other assignees, however, supplied a

means of evading the precautions of the Governor. A convict possessed of plausible character had little difficulty in persuading a weak or careless master to permit him indulgences to which he was not entitled; and where the indulgences could not be obtained in this way, the prospect of gain was often found to prevail; the cases where assignees conscientiously discharged their duty being deplorably few. It was, therefore, no uncommon thing for convicts to be permitted to leave their assigned service; and live with their free wives; under which unjustifiable circumstances, they often carried on business as free persons, in too many cases by disreputable means, to the great injury of the fair trader.

The last source of abuse to which it will be necessary to refer, is the irregular mode in which the assignment of what are termed "gentlemen convicts" was conducted. The reader need scarcely be reminded that convicts of this class are by far the most dangerous, and require the most judicious management. But instead of receiving this management, such was the miserable state of society, that these men were considered the "prizes" in the assignment scheme. So few free immigrants were there in the colony possessed even of common education, that merchants and lawyers who wanted clerks, schools which wanted masters, and even private families which wanted tutors, were, previous to the period of immigration, compelled to

employ convicts. That these men sometimes discharged their duty, and became reputable members of society, it would be unjust to deny; but from the lax mode in which the assignment was regulated, and from the necessities of society, evils of a most flagrant character arose.

A case is recorded of the son of a clergyman, who was educated by a "gentleman convict" assigned to his father, and who was afterwards transported for life to Van Diemen's Land. It is possible that the young man's unhappy circumstances might not altogether have resulted from the influence exercised over his mind by his convict tutor, but surely it must be acknowledged that such experiments were highly dangerous, and not justifiable by any amount of anticipated good. This, also, was an extreme case; but, unfortunately, the influence of convict tuition was known to be productive of sufficient evil to justify the censure passed on the system which permitted it, even though the melancholy fact alluded to had never occurred.

Cases, also, were not unfrequent of the employment of convicts in connection with the public press, not merely as compositors and pressmen, but in the editorial department. The employment of ticket of leave holders and emancipated convicts in such capacities has been very general, and the consequence has been lamentable in the extreme. The influence of such persons on the press was, in

effect, to break down the barriers established by the divine law between morality and immorality; to persuade the community that the free emigrant population were no better, in point of character, than the class to which they themselves belonged, and to disseminate the notion, that their position in society was the result, not of guilt, but of misfortune. In proof of the influence of such mischievous doctrines, when inculcated by men of intellectual ability, it is only necessary to refer to the evil which was produced by the circulation of the *Sydney Gazette*, during the time it was under the management of O'Shaughnessy and Watt.* The former of these men had been, at first, assigned to the proprietor of the Gazette, and was employed as a reporter and sub-editor; having become free, he became, on the death of the proprietor, the responsible editor. The history of Watt is peculiarly instructive, and illustrates most forcibly the deplorable state of society in the colony, before the commencement of Immigration. He was originally a solicitor's clerk in Edinburgh; but having, on account of some misdemeanor, been compelled to leave that place, he obtained employment in a mercantile house in London, from which place he was transported for embezzlement in the year 1828, for fourteen years. From the influences he was able to

* This was during the greater part of the years 1834 and 1835.

exert (being a man of great talents) he obtained the indulgence of a ticket-of-leave after a much shorter probation than would subsequently have been possible; and on the arrival of Sir Richard Bourke, he was employed as a clerk in the office of the School Corporation. On the dissolution of that body, his services were eagerly sought by the conductors of the public press, and he obtained an engagement in the Gazette office, of which paper he soon assumed the virtual control, the nominal editor being a person of indolent and dissipated habits. While in this capacity, he was the source of immense demoralization from the mode in which he used the powerful influence he possessed, endeavouring to stir up the convict population against the free emigrants, by representing the latter as intruders, and the former as a grievously injured and meritorious class. A state of things in which a thief, a man of unchaste living, was permitted to disseminate, for nearly two years, principles so grossly opposed to common decency, can hardly be conceived by persons whom experience has not assured of the fact. That fact should be remembered by the community of New South Wales, as a great public sin which should fill us with sentiments of humility and self abasement. The termination of Watt's career shows that he was capable of any villany, however contemptible, which could promote his views. An anonymous letter had been sent to the editors of another newspaper,

which was unguardedly ordered for insertion, and was accordingly set in type. Before it was printed, however, the editor discovered that it contained libellous matter, and accordingly withdrew it. Watt, however, having learned that such a letter was actually in type, bribed a convict-compositor, employed in the other office to steal one of the proofs of the letter, which he subsequently enclosed in an envelop to the individual on whose character it reflected, who was an emancipated convict. An action for libel was instituted by this party against the editors of the paper to whom the letter had been sent, and the fact of publication was attempted to be established by the circumstance of his having received a copy through the public post. The action failed; but the editor, whose ruin had been so foully attempted, did not suffer the matter to rest, and, at length, succeeded in bringing to light the whole of the transaction. Watt was prosecuted in the Criminal Court, on a charge of "grand larceny," which unfortunately was not warranted by the value of the property which he had procured to be stolen; he was, consequently, acquitted. The circumstance having been officially made known to the Governor by the Judge,* before whom he was tried, he was immediately sent to Port Macquarie, a penal settlement, appointed for special convicts. While at this settlement, the widow of

* Mr. Justice Burton.

the former proprietor of the Gazette, actually solicited, and obtained permission to marry him! It is only just to add, that, after Watt's affair, the Gazette passed into the hands of respectable persons, but it never regained its original position among the respectable portion of the community, and gradually dwindled into the tomb of oblivion.

It has been thought proper to admit, to the fullest extent, the magnitude of the abuses which existed under the Assignment System, and even to quote some of the most flagrant cases, because, in the first place, those abuses were of so glaring a character, that their concealment would be impossible, and no writer who affected to be ignorant of their existence, would hope to obtain credit for impartial judgment; and, in the second place, because the abuse of a system, however it may have been permitted through ignorance or neglect, can never form an argument against the principle on which the system is founded; nor prove, that, under a more judicious arrangement, the principle might not be made productive of the highest public advantage. It will, therefore, be of importance to enquire whether, under regulations of adequate stringency, the evils which existed under the former system might not be avoided, and the assignment of convicts rendered both an economical mode of punishment for minor felonies and misdemeanors, and also a source of wealth to the colony where the assignment may be permitted. Observing, how-

ever, the order of events, it will be necessary to give a short account of the discontinuance of transportation to New South Wales; from which it will appear, that the abuses, and not the principle of the system were the real cause which influenced the Home Government in the adoption of so important a measure.

The reader has already been incidently informed, that a select Committee of the House of Commons was appointed, in the year 1837, to examine into the subjects of transportation and assignment.* Among the witnesses examined before the Committee, were the Chief Justice of the Colony (Sir Francis Forbes), James Mudie, Esq. (formerly of Castle Forbes in this colony, and J.P.), the Rev. John Dunmore Lang, D.D. (the Senior Presbyterian Minister of the Colony), James McArthur, Esq. J.P. (one of the most extensive and influential land and stock-holders in the colony) Colonel George Arthur, late Lieutenant Governor of Van Diemen's Land; with several officers of the army who had filled official situations, and one or two medical gentlemen, who had come out as Surgeons-Superintendent of convict ships. The evidence given by these gentlemen was extremely multifarious and voluminous, and it is to be feared that much of it was given under the influence of

* The Committee was appointed on the 7th of April, and the primary report was ordered to be printed on the 14th of July.

strong personal feeling, hostile to the emancipist population; but without further alluding to this subject, it may safely be conceded, that, by their united testimony, the most iniquitous abuses were proved to exist, and the unavoidable conclusion was, that, in order to make the Assignment System morally advantageous, it was necessary that it should be entirely remodelled, if not temporarily suspended.

So strong was the impression produced by the representations which had at various times reached the imperial government, that, even during the sittings of the Select Committee, a correspondence was being carried on between the home and colonial departments, on the expediency of discontinuing the practice of assignment. In a communication, dated the 15th of April, 1837, Lord John Russell called the attention of Lord Glenelg to the subject of transportation generally, and declared his opinion, that it was inexpedient that convicts, even after having been employed a certain period on public roads and works, should be assigned to private individuals:—"the evils arising from that mode of employment, and which must be aggravated by the difference of humanity, weakness, fear, or caprice of different masters, being very serious and notorious." From the reply to this communication, it appears that Lord Glenelg coincided "in the opinion entertained by his Lordship of the evils generally arising from the assignment of convicts in the Australian

colonies, and was happy to learn that it was the wish of Lord John Russell to diminish as much as possible the number of transports sent yearly to those colonies." In consequence of this correspondence, Lord Glenelg addressed a despatch to Sir Richard Bourke, dated 26th of May, in which his Lordship observes:—"Being strongly impressed with the evils which appear to me, to a certain extent, inherent in the system of assignment,* I trust that the measures in progress for the increase of free emigration to the Australian colonies, will adequately supply the future demand for labour, without continuing a practice which is open to so many objections."

When the report of the transportation committee of 1837 was received in the colony, it excited the strongest sensation. It was considered, and with justice, that in a case so deeply affecting the interests of the colony, the inquiry should have been made in the colony itself. Nor could the colonists but feel, that in many cases matters had been represented in such a light, as made them appear worse than they actually were. In particular, the evidence of Mr. Mudie was severely censured, as having been given under a peculiarly hostile

* His Lordship, of course, meant in the system of assignment as it existed at that time in these colonies. To say that those evils were inseparable from the principle, would be to hazard an assertion, the justice of which could not be maintained without more extended experiments.

feeling. This gentleman had been a magistrate of the territory; and his name, with about fifty others, had been excluded from the commission. Though the cause of this exclusion was not, of course, formally announced, it was generally understood, that the arbitrary spirit in which Mr. Mudie, and other magistrates administered the laws, with respect to the convict population, had induced his Excellency to revise the list. It appears certain that Mr. Mudie was the object of the most bitter animosity to the convicts generally, a feeling which they did not manifest towards those magistrates who discharged their functions firmly and humanely. The colonists, therefore, felt that the position of Mr. Mudie did not justify the importance which was attached to his statement; and complained, not without reason, that they had no opportunity of rebutting them.

A meeting was held in Sydney to take into consideration the prejudicial effects which such evidence was likely to produce on the colony, and a petition was addressed to his Excellency, praying "the appointment of a committee of the Legislative Council, to inquire into the working of the system of transportation and assignment, with a view to counteract, as far as possible, the evil impressions which might have been produced in England, in respect to the social and moral condition of the colony." George Gipps in reply, represented to the petitioners that the assignment of convicts was a mat-

which the Governor alone was responsible to her Majesty, and that the Legislative Council had no jurisdiction therein. Nevertheless, considering the importance of the subject, he would lay the petition on the council table, and leave that body to adopt such a course as might seem necessary. The council, after a protracted debate, adopted a series of resolutions, expressive of their opinions, and embodying generally the sentiments of the petitioners. The appointment of a committee of inquiry was negatived, (as appears from a despatch from his Excellency of the 18th of July, 1838) solely from the apprehension felt by a majority of the council that such an inquiry would tend to revive animosities in the country, which had happily in a great degree subsided.

In the year 1838, the committee on transportation resumed their labours, and presented their final report, which very strongly confirmed the apprehensions of the colonists, being chiefly founded on the evidence given the preceding year, the *bonus animus* of so much of which there was just reason to suspect.*

The following letter, from the Under Secretary

* It is impossible, on perusing the evidence of [illegible] not to be struck with the ingenuity with which [illegible] every now and then to give a stab in the dark [illegible] blished church, a circumstance in itself sufficient [illegible] suspicion on his statements. The evidence of [illegible] Ullathorne, also, a dignitary of the Church [illegible] be feared, is not free from the charge of [illegible]

for the Home Department to the Under Secretary for the Colonies, explains the general intentions of her Majesty's Government as to the changes to be immediately effected in the existing system :—

"Whitehall, January 30th, 1839.

"Sir,

"I am directed by Lord John Russell to acquaint you, for the information of Lord Glenelg, that, in conformity with the instructions of government on the subject of transportation, he proposes to make the following arrangements :—

1st. "The number of convicts to be employed in the hulks in Great Britain, during the present year, will be increased to three thousand five hundred.

2nd. "The number of convicts to be employed at Bermuda will be increased to one thousand, of whom two hundred will be sent out in the spring, and two hundred at the end of the year.

3rd. "The number of prisoners in the Penitentiary will be for this year eight hundred, being an increase of two hundred and fifty.

4th. "It is not proposed at present to diminish the number of convicts to be sent from Ireland.

5th. "The probable number of convicts to be transported this year, will, consequently, be about two thousand.

6th. "It is proposed to improve the system of punishment and instruction now pursued on board the hulks.

7th. "It is proposed to build a new prison on the separate system for five hundred prisoners.

"While these changes are taking place at home, accompanying alterations must take place abroad; and Lord John Russell directs me to transmit to you the following suggestions for Lord Glenelg's consideration:—

1. "That instructions should be sent out to prepare the Governors of New South Wales and Van Diemen's Land, for the immediate diminution and approaching discontinuance of the practice of assignment.

2. "That instructions should likewise be sent to prepare buildings in Norfolk Island for the reception of convicts from the United Kingdom; and that the government of that island should be entrusted to some officer in whose zeal and intelligence Lord Glenelg can confide.

3. "That general instructions should be given as to the future treatment of convicts confined in the Australian settlements, subject to such variations from time to time as experience may suggest, founded on the principles stated in the Report of the Committee of the House of Commons, and in conformity with the views of government.

"I have, &c.,

"(*Signed*) F. MAULE.

"Sir George Grey,
"&c., &c., &c."

In a despatch enclosing the above letter, Lord Normanby wrote to Sir George Gipps as follows:

"With respect to Norfolk Island, it is the intention of her Majesty's government, that an essential alteration should be made in the system of punishment pursued there; the healthiness of the climate, the fertility of the soil, and its entire separation from intercourse with ordinary emigrants, render it peculiarly fit for the reception of a large number of convicts, subject to careful superintendence and discipline, and for whom regular means of employment must be provided. Her Majesty's government hope, that this may be effected with little, if any, increase of expense, owing to the facilities which exist for rendering the labours of the convicts productive. In order to carry this proposal into effect, a prison will require to be erected, capable of holding as many convicts as can be conveniently and profitably employed in the island, and so arranged as to facilitate the adoption of the most effectual means of enforcing an improved system of discipline."

And again:

"The general principles which are to guide the future management of transported convicts, are:

1. "That a fixed period of imprisonment should, in the first instance, be allotted for the punishment of the crime of which the prisoner has been convicted.

2. "That the actual period of imprisonment should be liable to a subsequent abridgement, according to the previous character of the prisoner, the nature of his crime, and his conduct during his punishment.

3. "That when allowed to leave Norfolk Island, he should not be assigned to any individual in Australia, but should enjoy advantages, at least, equal to those of a ticket of leave.

"No prisoner is to be detained in Norfolk Island longer than fifteen years.

"In order fully to carry these regulations into effect, it is desirable, that, as far as possible, Norfolk Island should be appropriated to convicts from the United Kingdom; and that persons convicted of offences in New South Wales, should be confined in some other part of the colony, or employed on the roads."

It could not but be expected, that the regulation which professed to confer on expirees from Norfolk Island the benefit of a ticket of leave in New South Wales, would be received with much dissatisfaction by the colonists. As this subject will again fall under notice in the analysis of the proceedings of the new Legislative Council, it will not be necessary in this place to do more than quote a short passage from a despatch of Sir George Gipps, of the 23rd November, 1839.

"That part of the proposed plan," however, observes his Excellency, "was very loudly denounced in the council and out of doors, which seems to

point to the introduction into the colony of convicts from Norfolk Island, when their sentences shall have expired; by which it was objected (and I must candidly say I think with reason,) that New South Wales will still remain the receptacle of convicts, and, therefore, will in no way be freed from the stain which transportation has impressed on it, though it will be deprived of all the benefits which it has hitherto derived from the forced labour of convicts."

In the ensuing year, 1840, the transportation of convicts to New South Wales, from the United Kingdom was discontinued. By an order in council, her Majesty was pleased to determine those places to which convicts might be transported from the United Kingdom, from and after the 1st of August of that year; the effect of which was to exclude the colony of New South Wales from the list of such penal settlements. The order in council was published in the New South Wales Government Gazette of 28th October, 1840.

In pursuing very briefly the inquiry suggested by the subject of this section, and the importance of which has already been shown, it will be necessary once more to notice the distinction between a system, and the principle on which that system is founded. It would be both uncandid and unwise to attempt to conceal, that gross abuses prevailed

under the mode in which the transportation and assignment of convicts was formerly conducted; but in making this admission, it is not necessary to concede, that the principle of transportation, combined with assignment, is incapable of application to the discipline of convicts, and ill-calculated to effect their ultimate reformation.

We have, during a period of ten years, had very favourable opportunities of observing the effect of the transportation principle, and have examined the subject with all the care which its importance demanded; and we have no hesitation in declaring that transportation, combined with properly regulated assignment, appears to us very far to exceed any other species of secondary punishment which has yet been attempted in any country, whether it be considered with reference to expense, to penal efficacy, or (which is the most important consideration of all) to the eventual reformation of the criminal. In spite of the flagrant abuses of the former system, it is capable of proof, that a greater amount of actual reformation has been accomplished under it, than under any of the boasted schemes of American or continental philanthropists. An attentive examination of the various schemes has added strength to the conclusion, that, however beautiful in theory, they are almost entirely inefficacious, being suited only to impress minds rarely and peculiarly constituted, and being supported at an expense, which seems to suggest,

that at the time they were sanctioned, the "calculating" genius of our Transatlantic acquaintances had fallen into one of his periodical fits of oblivion.

Without entering farther into the general question of secondary punishments, it may suffice to observe, that the fundamental difficulty connected with them consists in the necessity of combining a certain degree of penal severity with measures of a reformatory tendency. Without possessing the former feature, the punishment would become an incentive to, instead of a deterrent from, the commission of crime; without the latter, the country is at the expense of supporting an idle mouth for a given period, at the expiration of which the criminal is again turned loose on the society from which he had been withdrawn, without any prospect or desire of obtaining an honest livelihood, and consequently resumes his previous life of plunder, until again convicted. It appears extraordinary how so weighty a practical difficulty as this could have escaped the observation of the speculative proposers of the various schemes above mentioned, which are all modifications of the principle of imprisonment, a punishment which is open to strong, and, in the opinion of many, fatal, objections.

The difficulty, however, is effectually met by the transportation system, by which the criminal is at once separated from all his vice promoting

associations, a circumstance which constitutes a very important part of the penal character of the system. A point of some consequence appears thus to be established; for if the efficacy of secondary punishment is almost neutralized by the difficulty in question, it follows, that a system which avoids that difficulty possesses an eminent superiority.

M. Thiers, in speaking of the convict establishments of, and in France, called them "the plague spot of the country," a remark no less eloquent than just, for while the expense of supporting them is an intolerable burden on the industry of the people, they serve only for the temporary coercion, while they possess no reformatory principle whatever, and are almost wholly inoperative as a deterrent. But the French are not an enterprising nation, and are more given to bombast than to commerce. Half the expense, and less than half the bluster, which has been expended on the Island of Tahiti, would have served to establish a penal colony in some of the countless groups of the Pacific, which might have become a centre of civilization, of commerce, and Christianity, to the thousand isles that gem the bosom of that mighty ocean. But unfortunately the Protectorate of Tahiti was considered an object of greater magnitude than the civilization of a hemisphere, and France still rings with the groans of the galley slave.

On the subject of expense, it may be proper to say a few words. So little was this matter formerly understood in the mother country, that it was actually, on one occasion, and that not of very ancient date, proposed in the House of Commons to abandon this colony, and deport the inhabitants from its shores. In reference to this proposition, the following passage is quoted from a revised edition of a letter from the Australian Patriotic Association to C. Buller, Jun., Esq., M.P.

"The speakers in the above cases were, no doubt, ignorant of the fact, (for they attacked the system chiefly on economical grounds), that the colony had even then, during the period from 1786 to 1821, notwithstanding the expenses incident to its primary establishment, produced to the mother country a net saving of £1,913,446. 17*s.* the additional sum that it would have cost, provided the number of convicts which had then been transported to this colony, had been kept in the parent country in hulks; and a net saving of £11,800,837. 5*s.* 6*d.*, the additional sum that it would have cost, had the same number of convicts been kept in the parent country on the most economical plan in Penitentiaries."

A simple calculation of the comparative cost of the penitentiary and transportation system will satisfactorily prove the economical advantage of the latter. The actual charge on the British Treasury

for the maintenance of each male convict in a penitentiary is £30 per annum. The cost of the passage of a male convict to New South Wales, including his maintenance during the voyage, a period of four months, is no more than £15; his maintenance during the remaining eight months costs £8; so that the total expense of transporting and maintaining the convict the first year, effects a saving of £7. on the expense which would have been incurred had he been kept in England. After the first year, the saving amounts to £18. on every man, an immense amount on the number expatriated. It is thus, that the simple test of figures puts to flight a host of undigested theories, with little foundation beyond an imaginary and delusive philanthropy.

But mere economy, after all, would form a poor ground for the adoption of a penal system, unless it could be shown to possess higher advantages. It remains, therefore, to show, that the system of transportation, combined with properly regulated assignment, affords ample means, both for punishing and reforming the criminal. Under such a system, a criminal, unless his character is so utterly hardened and depraved as to offer no prospect of his being influenced by gentle measures, is subjected to a moderate coercion, and required to labour without any other remuneration than his food and raiment. This, if rightly understood, is a punishment sufficiently severe for ordina-

offences, and even for felonies of the lower class. Every man knows that his labour is of some value, and to that value the unconvicted man possesses an undisputed claim; but the right of reaping the reward of his toil is taken away from the convict, and this circumstance added to the irksomeness of labour to the idle and vicious, forms a punishment of severity quite commensurate with the character of the offences for which it is inflicted. But it is of importance that the nature of the punishment should be correctly understood by those on whom it is intended to operate as a deterrent. Very few, indeed, of the convicts who have been sent hither have been found to have had any idea of the nature of the punishment they were to undergo; a fact which is quite sufficient to explain the jesting manner in which the lower orders at home talk of being "lagged," which is the thieves' slang term for "transported."

Not to diffuse just information on the subject of the punishment is at once to disarm it of its terrors; and the British government in neglecting this important duty have incurred a heavy charge, almost amounting to an encouragement of crime. *De non apparentibus et non existentibus eadem est ratio.* A man who does not know what a punishment is, very readily seizes upon the notion that it is no punishment at all. *A propos,* this circumstance suggests a cogent objection against what the Americans call the solitary system. The

feelings of one shut out from all communication with the world are such as can only be comprehended by him who has experienced them, nor can any description render them intelligible. In order, therefore, to render the solitary system operative as a deterrent, the population of the states where it prevails should be made to undergo a cautionary incarceration for six months, on the plan of the ancient pedagogue, who was wont to muster his boys for a general flogging once a week, that they might not be ignorant of the nature of the punishment.

The efficacy of the Assignment System in New South Wales was much impeded, as has been often shown by the abuses which existed in its administration. These abuses gradually crept in from several sources. The officers of government here, were, from the remoteness of the settlement, almost entirely removed from the control of the Home authorities, and these latter were so much occupied with the pressure of public affairs, that they had little time to attend to Botany Bay, which became a bye-word and a reproach among men. Men of ability and gentlemanly qualifications were seldom found willing to leave the centre of civilization to look after pick-pockets; this circumstance led to the appointment of the New South Wales corps, the officers of which were, with few exceptions, men of inferior standing, and, in turn, of inferior character also; for men

them did not scruple, on their arrival in the colony, to become dealers in the instruments of drunkenness, and to exhibit to the public an example of gross profligacy—such were not the men who should have been charged with the management of a reformatory penal system. When men are willing to forget their character for the sake of "getting money," it is not to be wondered that bribery and corruption should be found to exist, even in high places, and that convicts on their emancipation, should be emulous of the occupations of their betters—their betters? If there was ill-nature, there was also truth in the remark, which has been attributed to Governor Macquarie, that New South Wales at one time contained but two classes of persons, "those who had been transported, and those who ought to have been so."

But the evils which arose from this source, and from others are now well known, and their danger is perfectly understood. There can be little doubt, therefore, that a system of assignment could be so ordered as to realize all of which it has been supposed capable. Some limitation would necessarily be imposed on the number of convicts assigned to each applicant; for to allow a single individual to have upwards of a hundred assigned servants was equivalent to forming a nest of thieves in the heart of the country, the evil of which has been already shown. Nor is it probable

that any applicant would, under a revised system, obtain any convicts, unless he were known to be a man of firmness and humanity. The obtaining of servants by the influence of a bank-note would, of course, be effectually prevented. Care would also be taken to disperse the men throughout the territory, to remove them entirely from evil associations, an arrangement which might perhaps be facilitated by a regulation, occasionally and judiciously changing the assignment of particular individuals who were found to possess influence over the others; for the same reason as the Commissioners of Excise periodically change the stations of their subordinate officers, and the regiments of the army are removed from town to town, that the formation of improper connections may be prevented.

The reformatory efficacy of the system having been thus so unhappily injured by mal-administration, it would seem that any remarks on this subject should be made entirely in reference to the possible revival of the system. It is earnestly to be hoped that the British government, in establishing the new penal settlement for the probationary exiles from the model-prisons on the north-eastern coast of Australia, will not omit so favourable an opportunity for renewing the experiment. There will be an entirely new field, where no old interests or prejudices can embarrass the measures of the executive, and the friends of the

assignment principle look forward with sanguine anticipations to the course which shall be pursued. A conference, relative to the site and management of the new colony, is about to take place between Sir George Gipps, Sir Eardley Wilmot, Governor of Van Diemen's Land, and C. J. La Trobe, Esq., Superintendent of Port Phillip, the result of whose deliberations will influence the Home Government in maturing their plans.

There is one subject, the importance of which is so vast, that it might be thought impossible that a government, in the formation of a penal settlement, could omit it from their consideration. It is, however, a fact, that for many years after the establishment of this colony, not one clergyman, or teacher of any religious denomination was to be found on its shores. This truly awful fact renders it not impertinent to remark, that the securing of religious instruction to convicts, wherever they are sent, is a matter of primary consequence, for without this the best devised schemes of human policy must prove abortive. Even secular education, valuable as that is, if not based on religious knowledge, will prove a curse rather than a blessing. Convicts, truly, have forfeited the advantages which their country offered them at home; but they are nevertheless members of that great family, for whom, even for the worst of them, Christ died. Fearful, indeed, is the guilt already resting on the parent land, for neglecting

the religious instruction of her colonies, whether penal or otherwise; but still more fearful will that guilt be, if her rulers are deaf to the voice of experience, and pursue the false chimera of making men virtuous without religion.

It has been thought, that any sort of men are fit for clergymen to prisoners. At home, the chaplaincy of a gaol is unhappily considered as a cure of the meanest character; and a similar impression has existed, and it is to be feared, continues to exist, respecting clerical appointments in penal colonies. To what other cause can be attributed the sufferance of so great a proportion of men of known incapacity and inexperience as was formerly to be found among the clergy of these colonies? Such a stigma is now no longer justly applicable to the clergy; but formerly, with a few exceptions, a "colonial parson" was a man of little more estimation than a colonial soap-boiler. It is to be hoped that such an error will be avoided in the new colony. Men entrusted with the spiritual charge of convicts should especially be men of proved ability, piety, and zeal, skilled in all the windings of the human heart: such men should be sent at any expense. The saving of a few paltry pounds on such a score is the most paltry of all savings. It is too much to expect that first-rate men, whose education has been completed at great expense, will exile themselves,

perhaps, with wives and families—and these are the most useful—and go to live in an expensive country for £200 a year.

A system has been recently attempted in Van Diemen's Land, called the "Probation System," which has been suggested by some ignorant British theorists, and, as might have been expected, has proved a complete failure. The convicts are allowed to choose their own masters, bargain for their own wages, and quit their service in a month if they dislike their situation, the Crown maintaining them while out of employment. The consequences of so wretched a departure from propriety cannot be sufficiently deplored, nor a renewal of a similar scheme elsewhere be sufficiently deprecated. By such an injudicious system as this, the bad are furnished with facilities for uniting with the bad—"pares cum paribus facillimè congregantur"—and little troops of banditti (this is not too strong a term) are thus formed to the consternation and annoyance of the peaceful settlers. In reference to this system, the following paragraph appeared in an influential London journal of June 6, 1844.

"The prosperity of this colony (Van Diemen's Land) is destroyed for many years to come. Since the ridiculous convict probation system has been in force, its character is entirely changed. Armed ruffians travel its length and breadth. The bond

far out-number the free; life and property are daily becoming more insecure, and from being a quiet tranquil home for industrious men, it is becoming the plague-spot of the south. Now, indeed, with great truth and honesty, may a virtuous people at home be warned against contact with the felon-deluged shores. The hopeless colonists begin to entertain the opinion, that British government intend, by the large monthly importations of pollution, to drive them to despair. If things do go on as they lately have done, two years hence no one will be safe in the interior at noon-day. The felons are allowed to choose their own masters, bargain for their own wages, and quit their service in a month, the Crown maintaining them when their caprice leads them to quit a master."

The language of this paragraph may possibly be rather warmly coloured, but the justice of the opinion the writer has formed cannot be questioned.

From the statements made in this section these conclusions appear to be warranted: that, as a secondary punishment, nothing can exceed transportation; and that, as a reformatory scheme, nothing can be more effectual than a *well-regulated* system of assignment.

SECTION V.

REVIEW OF CERTAIN MINOR ACTS AND ORDINANCES OF THE GOVERNOR AND COUNCIL OF NEW SOUTH WALES DURING THE YEARS 1832—1842, INCLUSIVE.

The great public questions which have engaged the attention of the colonists of New South Wales during the governments of Sir Richard Bourke and Sir George Gipps have now been discussed. The consideration of these questions naturally involved many details, from which the intelligent reader will have been able to form a general notion of the progress of colonial legislation. It is not to be supposed, however, that the local legislature was solely occupied with these great questions; several enactments were made during this period of very considerable importance, and which it would be improper to exclude from these pages. Some of them, indeed, may be thought to have merited a more enlarged investigation; but on reflection, it was found impossible to allow this, without extending the volumes beyond the limits to which they are restricted. Such readers as may desire more detailed information than will be found in this section will, no doubt, easily obtain access to public documents, from which their curiosity will be fully satisfied. It may, perhaps, be necessary to remind the reader that the *old*

Legislative Council was a body constituted very differently from that which now exists. In the old Council, the Governor presided in person; the members were only fourteen in number, of whom seven were government officers,* and the other seven nominated by the Crown from among the gentlemen of the colony; the result of which arrangement was plainly to place the legislation of the colony in the hands of the executive, which was able to carry every measure it introduced, and equally to reject any measure to which it was unfavourable.

With such a power in his hands, it is no vain tribute to the public character of Sir Richard Bourke, that he was the most popular Governor who has ever presided over the colonial affairs; and should it be found that Sir George Gipps has not been equally popular, it must in candour be remembered, that he has been placed in circumstances entirely different, and such as would have shaken the spirit of any man less distinguished for strength and consistency of purpose. The Acts and Ordinances which will be noticed in this section, are "Acts and Ordinances of the Governor

* The official members of the old Council were, the Lord Bishop of Australia, the Colonial Secretary, the Colonial Treasurer, the Chief Justice of the Supreme Court, the Attorney-General, the Auditor-General, and the Collector of Customs.

and Council of New South Wales." Under the new Constitution, the Legislative Council passes its own Acts, which are then presented to the Governor for the royal assent. To the debates of the old Council, the public were always denied admission until within a short period of its dissolution; this restriction has never been attempted under the new Constitution. A legislative body, withdrawn from public review, is seldom so guarded in its proceedings, as the nature of their functions would seem to demand; and it cannot be concealed that the legislative history of New South Wales, previously to the year 1843, exhibits many instances of carelessness and haste in the preparation of bills, which merit strong censure. A mere cursory glance at the index of a volume of Acts of the Governor and Council will prove to the reader that, at least, one half of the actual business of each session was to amend the errors of the preceding one. The constantly recurring phrases, "An Act to amend an Act," "An Act further to amend an Act," "An Act to alter and amend," "to amend and explain," "to amend and extend," "to repeal in part, and to amend and extend," induce the reader to think that these amendments and alterations are of great importance, and relate to some vital clauses of the original measure. His disappointment will be considerable when he finds many of them to provide for some case which

ought to have been foreseen, or to supply the omission of some technicality, which, however trivial, impeded the efficacy of the Act.* Nevertheless, various measures were passed, which exercised a very important influence upon the state of the colony, and to a few of these the attention of the reader is now solicited. It will perhaps be convenient to arrange the subjects of legislation under heads, rather than offer a dry chronological detail.

JURY LAW.

The constitution of juries in New South Wales was, for a long period, a matter of severe debate, and so delicate was the ground on which the legislature knew they were treading, that the old council never considered it expedient to pass any enactment, the provisions of which were to continue in force for a longer period than two years. The difficulty, it will readily be perceived, lay in the question of the admissibility, or non-admissibility of the emancipist body to serve on juries. Previously to the administration of Sir Richard Bourke, that class of persons, notwithstanding their number,

* After the Sydney Incorporation Act was passed, such was the careless manner in which it had been drawn up, that it was found necessary to pass a Supplementary Act to declare that the aforesaid Act might hereafter be amended or repealed.

and the great wealth, and even respectability of many of them, had never been considered eligible to the jury-box, for it was considered, and not wholly without reason, that their natural sympathies for the individuals, most frequently brought to trial, would militate against the honesty of their verdict. This exclusion, however, was a severe thorn in the side of the party, and frequent attempts were made by meetings and petitions to the Governor and Council, to procure a new constitution for juries. In the year 1832, the clamours of the party had become so loud, that a measure was at length introduced into the council, and, after a warm debate, carried, to relieve the emancipists from their disqualification. The principal clauses of the Act contain provisions for the striking of special juries, and the trial of issues in certain cases, the particulars of which are not of much interest. The distinguishing clause is as follows :—

"And be it further enacted, that the following persons shall not be qualified to serve on any such jury as aforesaid; that is to say, every man not being a natural born subject of the King, and every man who hath been, or shall be, attainted of any treason or felony, or convicted of any crime that is infamous, (unless he shall have received for such crime a pardon, or the full period expired for which he shall have been sentenced to be transported), and every man of bad fame, or of dishonest life or conduct, or of immoral character or repute."

By the succeeding clause, persons *twice* convicted were altogether disqualified.

During the two years that this Act remained in force, several unhappy instances occurred, in which it was clearly proved that the jury-box was used as a means of delivering the guilty from punishment. That such cases would in all probability occur, had not been unforeseen by the legislature, for a provision had been made for the striking out by ballot of any objectionable names from the list prepared by the police superintendents of each district. The magistrates, however, too generally shrank from acting on this provision, and the consequence was, that many juries were impannelled, containing individuals of the most depraved character. Notwithstanding these lamentable facts, however, the measure was found on the whole to have been salutary in its operation, having tended to soften the acerbity which existed between the rival parties —in fact, it had, more than any thing else, contributed to obliterate that distinction, which had so often been used for the most invidious purposes. The proposal, therefore, to continue the Act till the 30th of June, 1835, received the sanction of the legislature. Some explanatory clauses were added, relative to the summoning and striking of juries, and the qualification clause was altered as follows:—

"Unless he shall have received for such crime a free pardon, or shall be within the benefit and protection of some Act of Parliament, having the force

and effect of a pardon under the Great Seal for such crime, &c., &c."

In 1835, the Act was again continued for another year, and in 1836 it was still further continued, with the addition of a clause to remove doubts as to the power of justices in petty sessions to omit or strike out the names of men of bad fame and repute. A circular letter was also addressed to the various benches of magistrates throughout the colony, directing their attention to the importance of carefully revising the jury lists, and thus preventing unscrupulous persons from defeating the ends of justice. The result was highly gratifying; the cases of collusion and perjury on the part of jurors becoming much less frequent, and at length ceasing to be heard of altogether.*

SALARIES OF GOVERNORS AND JUDGES.

In 1832, a short Act was passed, to provide for the payment of the salaries of the Governor, or acting Governor, and of the Judges of the Supreme Court, which were ordered to be a charge upon the

* An important modification of the jury law has been made by the new council, by Mr. Windeyer's Jury Bill in the Session of 1844. In civil cases, when the question is referred to a jury, the number of the jury may be only four; and if, after deliberating six hours, they cannot form a unanimous judgment, the opinion of three-fourths may be taken; and if, after deliberating twelve hours, their opinions are still divided, a new trial must take place.

revenues arising from the duties of customs levied in the colony. The salary of the Governor, or acting Governor, was fixed at £5000, that of the Chief Justice of the Supreme Court at £2000, and those of each of the Puisne Judges at £1500. Subsequently similar provision was made for the payment of a salary of £1500 to the Superintendent of Port Phillip.

SAVINGS' BANK.

The preamble of an Act passed on the 9th of March, 1832, sets forth that "it is desirable, for the encouragement of frugality, that persons possessing small sums of money beyond what they require for their immediate wants, should be afforded an opportunity of depositing the same on good security, to accumulate at compound interest, and to form a provision for themselves and families." In pursuance of this very laudable object, the Savings' Bank of New South Wales was established, the Governor being President, and the affairs of the Bank being vested in nine trustees, nominated by the Governor. The deposits were all to be paid over to the Colonial Treasurer, and the trustees were authorized to advance loans, not exceeding £500 to any one person, on security of real property, and to discount bills of exchange or promissory notes, for amounts not exceeding £500, and at a rate of interest or discount of not less than eight

per cent. Depositors were to receive five per cent. interest on all deposits not less than 20*s.*, and, when the profits of the Bank for any year should exceed £200, the surplus was to be rateably divided, and placed to the credits of depositors. No depositor, however, was allowed to deposit more than £100, nor to claim compound interest, when his deposits amounted to £100. A proviso was also made authorising minors to make deposits in their own names, and to give validity to their receipts. A special clause was also introduced for the benefit of prisoners of the Crown, who were allowed to make deposits above £100.

This valuable institution continued to flourish, and contributed greatly to improve the moral character of the colony by forming habits of economy. After some years, however, the government declined to have any direct interference with the affairs of the bank, and withdrew the implied security which was understood to have been given by the circumstance of the moneys being paid into the Colonial Treasury. This created no little alarm among the depositors, and a "run" ensued. Happily, however, the trustees succeeded in maintaining the stability of the bank, and it still continues to flourish, though the amount of deposits is considerably reduced on account of the late general depression of the colony. It may be truly said, however, that, but for this institution, many a poor family, who have continued to

struggle through the severe monetary crisis which has happily now passed away, would have been plunged into hopeless and irremediable beggary. Colonists of every class, indeed, have much cause to be grateful for the institution of a Savings' Bank.

POSTAGE OF LETTERS.

Until the year 1835, the conveyance of letters in New South Wales was irregularly and expensively managed. An Act was, therefore, passed in that year, providing for the establishment of a General Post Office, and other sub-offices in different parts of the colony, to be under the superintendence of a Postmaster-General. The Governor was also authorized to determine the rates of postage, so that they did not exceed those contained in a schedule appended to the Act. Regulations with respect to franking letters were enacted, similar to those which existed in the United Kingdom, prior to the Penny Postage scheme. Letters to and from convicts were directed to be enclosed open to the principal superintendent of convicts, by whom they were to be marked "convict's letter," and forwarded free of charge. Newspapers printed within the colony were to be marked with the words "newspapers only." Various other provisions were made for the convenience of the public; but the rates chargeable

were, and still continue to be, very high, a circumstance which impedes commerce, and prevents that frequent and agreeable interchange of communication which adds such a charm to the private life of our friends at home.

NORFOLK ISLAND.

By an Act passed on the 10th day of June, 1835, a Court of Criminal Jurisdiction was established at Norfolk Island, which the reader is aware is a small island lying about eight hundred miles eastward from the coast of New South Wales, of which colony it was, until lately, a penal dependency. Since the discontinuance of transportation, Norfolk Island has been attached to the government of Van Diemen's Land. The origin of the establishment of a Court of Criminal Jurisdiction in that island is strange, and opens a curious page in the great volume of human nature. With reference to this subject, therefore, the following extract from the evidence of Sir Francis Forbes before the select Committee of the House of Commons on Transportation, in the year 1837, will be found interesting, as it explains both the origin and constitution of this Court.

Chairman (Sir William Molesworth).—"Have not several mutinies taken place in Norfolk Island amongst the convicts?"—"There have been attempts at mutiny."

"Do you know anything of one of the leaders of those attempts, a man of the name of Fitch?"* —"The man of the name of Fitch was not the leader in a mutiny. I believe that he had something to do with an attempt at seizing upon a vessel that was taking down the prisoners to Norfolk Island."

"What was that plan?"—"The plan laid was, I believe, at least it was said to be, to poison the ship's company; but I can only speak from such an indistinct recollection of the case, that I can hardly say that I could give any evidence very confidently on that point."

Mr. Ward.—"Did none of those cases occur during your residence in the colony?"—"Yes." —"Did they not come under the cognizance of yourself, or of some court?"—"The court in Norfolk Island would take cognizance of that."

Mr. F. Baring.—"There is a court there, is there?"—"Yes, a regular Criminal Court."

Sir George Grey.—"Was it not found, from the absence of such a court, that offences were committed for the express purpose of convicts being removed to Sydney for trial?"—"I have

* The real name of this villain was John Knatchbull. He was of one of the best families in England, his brother being a Baronet. He himself had been a Commander in the navy. After various adventures, the wretched man was hanged at Sydney in the month of March, 1814, for a most brutal murder.

known desperate crimes committed by the convicts at Norfolk Island for the purpose of their being sent to Sydney, sometimes even to be tried for capital felony."

"In consequence of that being the case, was a law passed and carried into effect, establishing a Court in Norfolk Island?"—"In consequence of that, the Governor recommended a law to be passed for a court to be established at Norfolk Island. That recommendation was carried into effect, and an Act of Parliament was passed for the purpose of introducing a Court of Judicature in Norfolk Island, presided over by a Judge, who must be a barrister, and five military officers."

Mr. F. Baring.—"Have they power to commit for capital punishment?"—"All powers."

Mr. Ward.—"Is not almost every punishment in Norfolk Island capital?"—"No; there may be various grades of offence—insolence, for instance. Norfolk Island is subject to the same laws, of course, as New South Wales."

Chairman.—"You stated in a former answer, 'I have known desperate crimes committed by the convicts at Norfolk Island for the purpose of their being sent to Sydney, sometimes even to be tried for capital felony;' will you explain that?"—"The explanation is, that I have known crimes committed by convicts in order that they might be sent to Sydney to be tried; and I

have known false charges made by convicts for the purpose of being sent to Sydney to give evidence."

"Have you known murders committed for that purpose?"—"I have such cases in my recollection, but I could not now attempt to refer to them."

"Are you not aware that the chief cause of committing those crimes was that the residence at Norfolk Island was so exceedingly disagreeable and hateful?"—"I believe that to be the cause; an impatience of remaining in Norfolk Island, and a desire to get back to Sydney, taking the chance of escape, or any other casualty that might befal them. A man who accused three persons of the murder of Mr. McIntyre, swore to a great deal of falsehood, and he came up, as it appeared afterwards, merely for the purpose of being removed from Norfolk Island, accusing innocent men that he might be removed to Sydney for the purpose of giving evidence against them."

"So that you have known cases in which men have incurred the risk of the punishment of death for the sake of being removed from Norfolk Island?"—"I have."

Mr. Buller.—"Were the chances of escape considerable?"—"No. I do not know what chances they might have calculated upon, but I am aware that was attributed to them as one of the motives that induced them; the vessel might have been seized on the passage up,

might have been wrecked on the coast, or they might have escaped from the hulk at Sydney, or when they were coming from the gaol to the Court-house, or coming back. In their desperate state, any speculation is gladly taken hold of by those persons."

"Was the chance of escape such that they calculated upon it?"—"I think that they calculated upon it, but I do not think the chance was enough to justify their expectation."

"Have you known any instances of escape under such circumstances?"—"Not one."

It is impossible to turn from this subject, without remarking, that if information of the severities which attend the punishment of transportation, in its most intense application, were duly disseminated by authority at home, that punishment would not be so lightly incurred by many who are ignorant of its nature.

CHURCH AND CHAPEL BUILDING, &c.

An Act, generally known as Sir Richard Bourke's Church Act, was introduced to the Council by that Governor, and proved one of the most popular measures which has ever been proposed to the colony. The object of the Act was, to authorize the Governor, with the advice of the Executive Council, to issue sums from the general revenues of the colony in aid of private

contributions for the building of churches and chapels, and the maintenance of ministers of religion. It was provided, that the sum granted by government should not exceed the amount of the private contributions which might be raised; and that the whole grant should never exceed one thousand pounds. Amounts issued in this way were, of course, to be applied to the erection of places of worship and dwelling-houses for the officiating ministers. The second clause authorizes the Governor and Executive Council to issue annual sums for the payment of stipends in proportion to the population of the district wherein the church or chapel is erected. A population of one hundred adults might claim for their minister one hundred pounds a year; two hundred adults one hundred and fifty pounds; and five hundred adults, two hundred pounds; which last named amount was not to be exceeded. Proof was required to be made to the Governor and Executive Council of the due and faithful performance of the duties in respect of which such stipends were paid.

The real estate in the site of all buildings erected under this Act, and in the buildings themselves was to be conveyed to trustees, who should be authorized to receive all moneys issued from the treasury, and to provide for the celebration of Divine Worship. Another clause provides that in every church or chapel erected under this

not less than one sixth part of the sittings shall be inscribed with the words "Free Seats," and appropriated to the use of poor persons resorting thereto.

This measure, which offers assistance to the members of every Christian denomination, was not received with much satisfaction by the members of the Church of England. Some condemned the principle of the measure *ab initio*, contending that the Church of England alone was entitled to receive the countenance of government; while others, with greater moderation, would have been content had the support been confined to such denominations as retained the essential doctrines of the Gospel. To all, however, support is alike offered; and the government of this colony assumes the dangerous position of one which distinguishes, not the evil from the good; which mingles the grapes and the thorns; the figs and the thistles, in one unwholesome mass.

MEDICAL PRACTITIONERS.

In the Session of 1838, an Act was passed providing for the attendance of medical witnesses at Coroner's Inquests, in which it was provided, that if, at the holding of any inquest, the Coroner, or other justice conducting the inquiry, ascertained that the deceased had not been attended by any "legally qualified medical practitioner," it should

in such case be lawful for the Coroner, or Justice, to summon the nearest "legally qualified medical practitioner" to give evidence at the inquest, and if necessary to make a *post mortem* examination of the body. A regulated remuneration was also authorized to be paid to such medical witnesses. An important omission was however made, which was quite characteristic of colonial legislation, and which virtually nullified the Act. The question immediately arose, "what persons were, for the purposes of the Act, to be deemed 'legally qualified medical practitioners?'" A supplementary Act was therefore passed, declaring such persons only to be qualified within the meaning of the Act, as produced before a Medical Board, appointed by the supplementary Act, satisfactory evidence of his being "a Doctor or Bachelor of Medicine of some University, or a Physician, or Surgeon licensed, or admitted as such by some College of Physicians, or Surgeons in Great Britain or Ireland, or a Member of the Company of Apothecaries of London, or who is, or has been, a medical officer duly appointed and confirmed of her Majesty's sea or land service."

These Acts are important, as by them the medical profession has been established on a footing of respectability, and protected against intrusion of ignorant and designing

OBSERVANCE OF THE SABBATH-DAY.

As an evidence of progressing improvement in the moral tone of society in the colony, it is gratifying to record, that an Act, introduced into the council, by the Bishop of Australia, for the purpose of prohibiting shooting for sport, or pleasure, or profit on Sunday, received the cordial sanction of the legislature, and has been found by the public not to be so oppressive in its enactments, as many persons, with whose diversions it interfered, were disposed to predict.

INSOLVENCY.

The colony is indebted to Mr. Justice Burton, late first Puisne Judge of the Supreme Court, for the production of a law for the Relief of Insolvent Debtors, and abolishing Imprisonment for Debt. The wisdom of the measure has been disputed; but there can be but one opinion as to the amount of relief it has afforded during an unprecedented pecuniary struggle, and it is something in favour of the measure, that the objections against it have generally proceeded from the grasping and disappointed usurer.

INCORPORATION OF SYDNEY AND MELBOURNE.

Two Acts were passed in the Session of 1842, the former of which declared the town of Sydney to be a city, and incorporated the inhabitants thereof; the latter incorporated the inhabitants of the town of Melbourne. The provisions of neither of these Acts call for any particular comment.

SECTION VI.

ANALYSIS OF THE PROCEEDINGS OF THE LEGISLATIVE COUNCIL OF NEW SOUTH WALES, CONSTITUTED UNDER THE ACT OF PARLIAMENT 5 AND 6 VICT., C. 76, DURING THE SESSIONS OF 1843 AND 1844.

It is proposed to give in this section a detailed account of the labours of the Representative Assembly of this Colony, constituted under the provisions of the Act of the Imperial Parliament, 5 and 6 Victoriæ, Cap. 76, intituled "An Act for the Government of New South Wales and Van Diemen's Land," during the three Sessions held in the years 1843 and 1844. Such an account will, it is believed, be neither uninteresting nor unprofitable; for the principle of representation is one so intimately interwoven with the Constitution of Britain, that even her distant dependencies begin to babble of it, ere they can

well stand alone; and in New South Wales, the clamour had been loud and importunate, for years before the imperial legislature saw fit to concede the boon. It is well known, that the reason, which chiefly operated in the minds of British statesmen, causing them to entertain with so much coolness the oft-repeated petitions and remonstrances of the inhabitants of this colony, was the admixture with the population of a large number of persons who were, or who, at least, had formerly been, of depraved morals, but possessed of considerable wealth. To persons of that stamp it was considered unsafe to entrust the franchise, and still more so to make them eligible to senatorial honours; while the difficulty was fully perceived, of conferring a Representative Constitution on the colony, the provisions of which should not apply to persons of the emancipist class. There can be no doubt, that the prevalence of these notions at home is to be attributed to the partial and unjust representations of those who were disposed rather to trample on, than to elevate, the character of the emancipist population. Men of this disposition seemed incapable of estimating the ennobling tendency of political freedom, and persisted in asserting, that those who had broken the law, must therefore, *ex necesse*, be for ever disqualified for comprehending its value, and for rightly exercising political privileges. It would be needless in this place to do more than allude to these

discussions; they are, it is to be hoped, for ever at an end; for though, previously to conceding the principle of representation, her Majesty's government considered it necessary to deprive the colony of its penal character, it may confidently be maintained, that the proceedings of the new legislative body have afforded no ground for regret that the principles of the exclusionists were not recognized in the new Constitution. That invidious distinctions will become every day more and more inoperative, and that merit alone will be considered the true path to honour, there is now every reason to believe.

Before proceeding to the main business of the section, courtesy appears to require a single remark or two on the general character of the administration of his Excellency Sir George Gipps, who arrived in Sydney on the 24th of February, 1838, and has continued to preside over the affairs of the colony to the present time. It is always a delicate task to comment upon the qualities of those who are in authority over us, and for this obvious reason, it will be necessary to be brief. That Sir George Gipps is a man of commanding ability, great energy of mind, and habitual firmness, and perseverance, even the enemies of his administration have hardly ventured to deny; the utmost that his opponents allege is, that his measures are not framed with a due consideratio of the wants of the colony, and that he is

sufficiently ready to be influenced by the representations of those who fancy themselves endowed with oracular powers. It is very far, however, from the design of this work to enter upon the field of contest between the government and anti-government parties. The different questions at issue will of course pass under review in the course of the subsequent analysis, but mere party statements on either side will be studiously avoided. It is, however, but common justice to his Excellency to observe, that the circumstances in which he has been placed, through the whole course of his administration have been peculiarly harassing and perplexing. At the time of his Excellency's assumption of the government, the colony was in a most flourishing condition; and though it is true, that the subsequent depression was to be attributed to the madness of speculators, rather than to the measures of government, the politicians of the colony were not generally acute enough to perceive, or candid enough to admit, their errors; but would have it, right or wrong, that the Governor alone was to blame for the change which had come over the spirit of their avaricious dreams. That government availed itself of the land mania in Port Phillip, which was at its height during the earlier years of Sir George Gipps' government, and brought into the market land, which was purchased by jobbers, to the injury of the *bonâ fide* settler, is undoubtedly true; and this policy

has previously been spoken of in terms of reprobation; but the singular fact is, that the disappointed jobber, and not the honest deluded settler, is the source from which this unqualified abuse—for it amounts to that—of Sir George Gipps and his government proceeds.

The new Constitution of the Colony has also operated prejudicially to the popularity of his Excellency. The number of elective members being double that of the Crown nominees, the Governor does not find the same facility in carrying his measures as he enjoyed formerly. On the contrary, it is to be feared, that certain gentlemen of the opposition party have evinced a disposition to throw obstacles in the way of the government; and it is certain, that their language has, on some occasions, betrayed a spirit anything but consistent with his Excellency's position as the representative of her Majesty. In contrast with such indecorous conduct, the dignified and imperturbable demeanour of the Governor has appeared to great advantage; and it is to be hoped, that the gentlemen alluded to will feel it more in accordance with the senatorial character to refrain from so objectionable a course. It is only right to add, that these discourteous feelings, so far from being participated by the majority even of those who are generally opposed to his Excellency's measures, are confined to one or two individuals. There certainly is, however, a gene-

feeling, throughout the colony, of want of confidence in his Excellency's government; and, though much of this feeling doubtless originates in the gloom which has been cast over our affairs by unsuccessful speculation, it were to be wished that his Excellency's instructions from the Colonial Department permitted him to attempt, in some way, a revival of public confidence. Until some conciliatory measure be announced, it is to be feared, Sir George Gipps will have to contend against a spirit of factious opposition, backed by the shouts of the disaffected, which those who would gladly co-operate in the advancement of the welfare of the colony are not always able successfully to resist. Were his Excellency to reflect that several of his measures have been characterized by a want of foresight, and based upon superficial views of economy, he would be less unwilling to listen to the friendly voice of expostulation. If he reflected, that, though the offensive declamation levelled against him proceeds from the ruined gambler, rather than from the honest insolvent, a great amount of *real* injury was produced by the injudicious manner in which he, at one time, overloaded, and, at another, suddenly contracted the currency; if he reflected on these things, and on the fearful devastation caused by the hurricane which has swept over the land, he would be more ready to pardon an occasional ejaculation of impatience, and would seek to pour water rather than oil, upon the

fires of political animosity. But it is time to proceed.

The Act of Parliament, 5 and 6 Vict. c. 76, is of so much consequence to this colony, that a somewhat minute analysis of the several provisions seems indispensable.

The preamble merely states, that "it is expedient that further provision be made for the Government of New South Wales;" and the first clause enacts, "That there shall be within the colony of New South Wales a Legislative Council;" "and that the said Legislative Council shall consist of thirty-six members," twelve of whom shall be nominated by her Majesty, and the remaining twenty-four elected by the inhabitants of the colony. The second clause enacts that "the Legislature, now by law established," shall "make all necessary provisions for dividing the parts of the said colony within the boundaries of location into convenient electoral districts," for preparing lists of electors, for revising such lists, for appointing returning officers, for issuing and returning writs, and taking the poll at elections, and for determining the validity of disputed returns.

The third clause is merely temporary in its nature, authorizing the Governor to define the electoral boundaries of the several towns and districts, while, by the fourth clause, the power of altering the former divisions, and of establishing new ones, is vested in the Governor and the future Council.

Power is also given to alter the number of members returnable by each town or district, "and to increase the whole number of the Legislative Council;" provided always that one-third of the additional councillors shall be appointed by her Majesty, the remaining two-thirds being elected as before.

The qualification of electors is defined by the fifth clause, to be the possession of freehold estate of the value of two hundred pounds, or the occupation of a house of the annual value of twenty pounds. The next clause disqualifies minors, foreigners, and convicts, except such of the latter class as have received a full or conditional pardon, or undergone the period of their sentences. The seventh clause declares possession or occupancy of the house or estate, for six months before the date of the writ of election, and also the payment of all rates and taxes, necessary to qualification.

The eighth clause limits the eligibility of members to serve in the Legislative Council to those who have attained the age of twenty-one years, to subjects of the Queen, whether by birth or naturalization, and such as possess a freehold estate in lands and tenements in New South Wales, of the value of two thousand pounds, or one hundred pounds per annum; to the value of which estate, and to the absence of collusive or colourable possession thereof, the candidate shall, if required by any other candidate, or by any elector, or by the

returning officer, make an explicit declaration,* the form of which is prescribed in the ninth clause. The tenth clause affixes the pains and penalties of perjury to the making a false declaration respecting qualification. The eleventh clause authorizes the Governor to issue a writ for the election of members to serve in case of vacancy.

Clauses 12—19 inclusive are occupied with provisions for the appointment and tenure of seat of the members. Non-elective members may either be nominated directly by the Queen, by warrant under the sign manual, countersigned by one of her Majesty's principal Secretaries of State; or they may be appointed by the Governor provisionally, and until her Majesty's pleasure be known; and they may be designated either by their own proper names, or as the holders for the time being of any public offices within the colony. This delegated power of nomination, however, may not be exercised by the Governor until all the writs for the election of the elective members have been returned; nor can more than half of the non-elective members be holders of public offices. The

* This part of the Act has been amended by an Act passed in the last Session of Parliament. The personal attendance of the candidates at the elections is often impracticable from distance, and the difficulty of travelling: and it is now sufficient, if an elected member make the declaration of qualification in writing under his hand addressed to the Speaker before he takes the oath.

appointments made by the Governor are by letters-patent under the great seal of the colony, and continue in force for five years, or until the dissolution of the Council. Any Member of the Council, however, may by writing under his hand, addressed to the Governor, resign his seat. If any member also absent himself for two successive Sessions, or make allegiance or adherence to any foreign Prince or power; or become bankrupt, or be attainted of treason, or convicted of felony, or become *non compos mentis*, his seat becomes thereby vacant; and on any non-elective member, who has been designated as the holder of a public office, ceasing to hold such office, his seat likewise becomes vacant. Questions arising respecting vacancies must be heard and determined by the Legislative Council, on such questions being referred to them by the Governor, and not otherwise. If the seat of any non-elective member, who has been designated in his nomination as the holder of some public office, become vacant, the vacancy shall continue till the appointment of another person to fill the same office. Vacancies in the seats of non-elective members who have been designated by their proper names may be filled up by the Governor's nominating another person in a similar way, the said nomination to continue in force until disallowed or superseded by her Majesty.

The twentieth clause gives power to the Gover-

nor to fix places and times for holding the Council, and also to prorogue and dissolve the Council, by proclamation or otherwise, whenever he shall deem it expedient.

The twenty-first clause provides that there must be a Session of Council at least once in every year; and also that the Council shall be dissolved by effluxion of time in five years from the return of the writs, if the Governor have not previously dissolved it. And the twenty-second clause orders that the first writs for the election of members shall issue within twelve months from the proclamation of the act.

Before proceeding to the despatch of any other business, it is necessary for the Council to elect a Speaker, whose election is, nevertheless, subject to the allowance of the Governor, who, indeed, may disallow the election of every member in succession to the office of Speaker, if he should be so disposed. The Council is not competent to transact business, unless there be one-third of the members present, exclusive of the Speaker. Questions are decided on division by a majority of the members present, other than the Speaker, who, however, has a casting vote in case of equality of votes. Vide clauses 23 and 24.

The following is a copy of the oath prescribed by the twenty-fifth clause to be taken and subscribed by every member before he can either sit or vote in the Council, before the Governor

persons authorized by him to administer the oath. Affirmations instead of oaths may be taken from Quakers and Moravians.

"I, A. B., do sincerely promise and swear, that I will be faithful and bear true allegiance to her Majesty, Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Colony of New South Wales, dependent on and belonging to the said United Kingdom, and that I will defend her to the utmost of my power, against all traitorous conspiracies and attempts whatever which shall be made against her person, crown and dignity; and that I will do my utmost endeavour to disclose and make known to her Majesty, her heirs and successors, all treasons, and traitorous conspiracies, and attempts which I shall know to be against her or any of them; and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any person, or persons, whatever to the contrary. So help me God."

The Governor, with the advice and consent of the Council thus constituted, has power "to make laws for the peace, welfare and good government of the said colony: provided always, that no such law shall be repugnant to the law of England, or interfere in any manner with the sale or other

appropriation of the lands belonging to the Crown within the said colony, or with the revenue thence arising." Vide clause 29.

Bills may originate either with the Governor or within the Council. In the former case, the Governor transmits by message to the Council a draft of the law which he proposes to introduce, and the same is taken into consideration by the Council in like manner, as if it had been a bill originating therein. The Governor may also propose, by message to the Council, amendments on any bills sent up to him for her Majesty's assent, which the Council may adopt or not, as they think proper. Every bill passed by the Council, whether the same may have originated with the Governor, or within the Council, whether amended or not, must be presented to the Governor for her Majesty's assent, which he gives or withholds according to his discretion, or declares "that he reserves such bill for the signification of her Majesty's pleasure thereon." All bills affecting the division and extent of electoral districts, or establishing new divisions, or altering the number of members of Council, or altering the salaries of the Governor, superintendent or judges, as well as all bills altering or affecting the duties or customs upon imports or exports, must be reserved for her Majesty's pleasure. Her Majesty, by an order in Council, may disallow any bill assented to by the Governor, within two years

after the receipt of a copy of it by the Secretary of State, and on notification of such disallowance being signified by message to the Council, or proclamation in the Government Gazette, the Act forthwith becomes null and void. In the case of bills reserved for her Majesty's pleasure, they have no force within the colony, until her Majesty's assent has been signified. Vide clauses 30—33 inclusive.

Clauses 34—40 inclusive, provide for the appropriation by the Council of " the whole of her Majesty's revenue within the said colony, arising from taxes, duties, rates, imports, &c., to the public service of the said colony; it is necessary, however, for the Governor first to recommend to the Council to make provision for the specific public services to which such moneys are to be appropriated. All such moneys are to be issued in pursuance of warrants under the hands of the Governor, addressed to the colonial treasurer. The revenue is permanently chargeable with all costs of collection and management. A provision of £33,000 is made for the payment of the salaries of the Governor and judges, and for the administration of justice; also of £18,600 for the salaries of public officers and pensions; and of £30,000 for Public Worship throughout the colony.

A most important part of the Act remains to be noticed, viz: the provision for the constitution of district councils.

The forty-first clause runs as follows: "And whereas it is expedient that provision be made for the local government of the different parts of the said colony; be it enacted, that it shall be lawful for the Governor, by letters patent under the great seal of the colony of New South Wales, to incorporate the inhabitants of every county within the said colony, or of such parts of counties or other divisions as to him shall seem fit, to form districts for the purposes of this Act, and by such several letters patent to establish a council in every such district for the local government thereof, &c. Certain provisions follow, fixing the proportion which the number of district councillors for any district shall bear to the population of the district, the number of councillors being in no case less than nine, nor greater than twenty-one. The qualifications of members and electors are for the present the same as those already fixed for members and electors in the case of the Legislative Council.

These district councils are empowered by clause 43, to make bye-laws for their respective districts, for roads and public buildings, for the management of the district property, for providing the means of defraying a proportion of the expenses incurred on account of the administration of justice and police, for the establishment and support of schools, for providing for the collecting of tolls, rates and

assessments, and for any other matters referred to them by the Governor and Legislative Council. Further and more minute provisions for the Constitution of the district Councils are made by the three succeeding clauses, and clause forty-seventh contains an enactment that one half of the expense of the police establishment of the said colony, (exclusive of the convict establishment,) shall be defrayed out of the general revenue, and the other half raised by the district Councils, in conformity with the provisions of the forty-eighth, forty-ninth, and fiftieth clauses.

In the fifty-first clause, provision is made for the future division of the colony of New South Wales, into two or more colonies, specifying, however, " that no part of the territories lying southward of the twenty-sixth degree of south latitude in the said colony of New South Wales shall by any such letters patent as aforesaid be detached from the said colony."

The remaining five clauses are occupied with providing for the government of the proposed new colony to the northward, removing doubts as to the validity of laws and ordinances passed by the old council, and rendering permanent the government of Van Diemen's Land. The three last clauses are merely formal.

On receipt of this Act, his Excellency took immediate measures to carry into effect its provisions. Having summoned the old Legislative Council, the Act was laid upon the table, together with Lord Stanley's despatch, transmitting the same. A bill for dividing the colony into electoral districts, &c., was then introduced by his Excellency, who also recommended the appointment of a committee to consider in what manner a suitable chamber could best be provided for the new council.

This committee, having examined the Colonial Architect, reported on the expediency of erecting an addition to the building in which the old council was held. Accordingly, the elegant little wing at the northern extremity of the old buildings in Macquarie Street was erected. It contains one large room, forty-six feet by twenty-eight, and twenty-eight feet high, which, with retiring rooms for the Speaker and Members, the Colonial Architect estimated might be completed for about £2,000. This building was ready for the reception of the new council in four months. A gallery, capable of holding eighty persons was erected at one end, and subsequently a reporter's gallery has been added. An attempt was made during the last Session to introduce the Bude light into the chamber, but it proved a failure, though £200 was expended on the experiment.

By proclamation of his Excellency, the new council was summoned to meet for the first time, on Tuesday, August 1, 1843.

The following is a list of the gentlemen nominated, or returned as members of the first Legislative Council under the new Constitution.*

The following gentlemen have been appointed to the subordinate offices in connection with the council:—

John Stirling, Esq., Serjeant-at-Arms.
William Macpherson, Esq., Clerk of Council.
J. O'Connor, Esq., Assistant Clerk and Librarian.

The office of chairman of committees of the whole house was filled, during the first and part of the second Sessions, gratuitously, by Hastings Elwin, Esq.; but, on the resignation of that gentleman, Charles Nicholson, Esq., M.D., was elected to the office, with a salary of £250 per annum.

NOMINATED BY THE GOVERNOR, ON BEHALF OF HER MAJESTY.

Designated as holders of public offices.

His Excellency, Sir Maurice C. O'Connell, K.C.B., Lieutenant-General, Commanding the Forces.
Honourable Edward Deas Thomson, Colonial Secretary.
Hon. Campbell Drummond Riddell, Colonial Treasurer.
Lieutenant-Col. J. G. N. Gibbes, Collector of Customs.
William Lithgow, Esq. Auditor-General.
*Lieutenant-Colonel Barney, Colonial Engineer.

Designated by their proper names.

Alexander Berry, Esq.
*John Blaxland, Esq.
Thomas Icely, Esq.
Edward Hamilton, Esq.
*Hastings Elwin, Esq.
*Richard Jones, Esq.

* Those members to whose names an asterisk is prefixed have resigned their seats.

REPRESENTATIVE MEMBERS.

Electoral Districts.	*Representatives.*
City of Sydney	W. C. Wentworth, Esq. William Bland, Esq.
County of Cumberland	Charles Cowper, Esq. William Lawson, Esq.
Town of Paramatta	H. H. McArthur, Esq.
County of Argyle	William Bradley, Esq.
County of Northumberland	William Foster, Esq.
St. Vincent and Auckland	J. Coghill, Esq.
Cumberland and Boroughs	W. Bowman, Esq.
Georgiana, King, and Murray	T. Aubrey Murray, Esq.
Cook and Westmoreland	John Panton, Esq.
Northumberland Boroughs	D'Arcy Wentworth, Esq.
County of Bathurst	Francis Lord, Esq.
County of Camden	*Roger Therry, Esq.
Roxburgh, Phillip, & Wellington	W. H. Suttor, Esq.
County of Durham	Richard Windeyer, Esq.
Gloucester, Macquarie, & Stanley	Alexander McLeay, Esq.
Hunter, Brisbane, and Bligh	W. Dumaresq, Esq.
Town of Melbourne	*Henry Condell, Esq.
District of Port Phillip	*C. Hotson Ebden, Esq. Thomas Walker, Esq. C. Nicholson, Esq., M.D. *Alex. Thomson, Esq. J. Dunmore Lang, D.D.

The Council having assembled, and the oaths having been administered by Commissioners appointed by his Excellency for that purpose, Alexander McLeay, Esq., was elected to the office of Speaker, which election was approved by his Excellency.

On Thursday, the 3rd of August, his E[illegible]

the Governor, repaired in person to the council chamber, and opened the business of the Session in a speech, congratulating the Council on the introduction of popular representation into the Constitution of the colony, and expressing his cordial satisfaction in welcoming to the chamber the first representatives of the people. His Excellency alluded to the embarrassments under which the colonial community laboured, but expressed doubts whether any legislative enactments would tend to relieve them. The concluding paragraph deserves to be quoted entire:—

"I cannot, Gentlemen, on this my first occasion of addressing you, avoid adverting to the peculiar Constitution which has been given to your body—or, to the fact, that to you singly have been confided powers which in some of the older colonies of Great Britain, are divided between two separate bodies.

"The Council, Gentlemen, is composed of three elements, or of three different classes of persons—the representatives of the people—the official servants of her Majesty; and of gentlemen of independence, the unofficial nominees of the Crown.

"Let it not be said or supposed, that these three classes of persons have, or ought to have, separate interests to support—still less that they have opposing interests, or any interest whatever, save that of the public good. Let there be no rivalry between them, save which shall in courtesy

excel the other, and which of them devote himself most heartily to the service of their common country."

It will be convenient to arrange the business of the Council, during the sessions about to be reviewed, under the three heads of "Resolutions," "Reports of Select Committees," and "Acts." It will also be convenient to complete at once the subjects under each head, instead of recording the proceedings of the Council in dull chronological order.

SESSIONS 1843.

RESOLUTIONS.

Prayer, August 10.—Dr. Lang moved, "That, as it is the bounden duty of the legislature of any Christian country, and accordant with the uniform practice of both Houses of Parliament in the United Kingdom, to commence the business of each day with a solemn recognition of the Divine Majesty, and a humble invocation of the Divine blessing, public prayers to Almighty God be offered up daily at the opening of this Council, as soon as the Speaker shall have taken the chair."

The arguments used in support of this resolution were such as would obviously occur to any man of a religious habit of mind; but fears were expressed, that the service might degenerate into

a mere formality, and after considerable discussion, the resolution was negatived by a majority of nineteen to eight.

Salary of Governor, &c., September 30.—Mr. Windeyer moved the following resolution: "That it is the opinion of this Council, that it is expedient to fix, by colonial enactment, the salary of any future Governor of this colony, and also that of the Superintendent of Port Phillip." The resolution was carried, and Mr. Windeyer obtained leave to bring in a Bill to effect the object of the resolution.

Distressed Operatives, October 3.—The Colonial Treasurer moved, "That this Council will make good any sums, not exceeding £2,500, which may be expended by his Excellency, the Governor, in giving employment to distressed mechanics and labourers, having families, in Sydney, during the remainder of the present year." This humane resolution was adopted, but it is painful to add, that the relief which it afforded was only temporary and partial.

Police Expenditure, October 3.—The Council having gone into Committee on the Estimates of Expenditure for the year 1844, the Chairman in reporting progress to the House, brought up the following resolution:—"That in the present state of the colony, it is highly inexpedient, if not impossible, to cast any portion of the Police

Expenditure on the county districts.* That this Expenditure, therefore, for the year 1844, be defrayed, as hitherto, out of the general revenue." This resolution was adopted by the House; and was, on the 10th of October conveyed to his Excellency, in an Address, moved by Mr. Windeyer, praying his Excellency to take such measures as might be requisite for giving effect to the same, without injury to the public service.

In his reply to this Address, his Excellency referred to the 47th clause of the Act 5 and 6 Vict. c. 76; but at the same time expressed his sympathy with the feelings expressed by the Council for the distresses of the country districts; and considering the difficulty which would inevitably arise to those districts in providing, shortly after their formation, for the large sums of £19,130 (the proportion which, according to the Act, would fall to be provided by them), his Excellency declared his willingness to share with the Council the responsibility of postponing for one year a compliance with the requirements of the Act of Parliament to which the resolution pointed. The Council, on the motion of Mr. Wentworth, presented an Address to the Governor, thanking him for the readiness with which he had consented to share this responsibility.

Convicts in Gaols, October 11.—Another re-

* Vide the analysis of the Constitution Act, previously given.

solution was this day brought up by the Chairman of the Committee of the whole House on the Estimates for 1844, to the following effect:— "That, in the opinion of the Committee, the expense attending the confinement of convicts in the various gaols and houses of correction throughout the colony, ought not to be borne by the colonial revenue."

On the 26th of the same month, Mr. Windeyer having moved for leave to bring in "A Bill to provide a Gaol for the confinement of transported Convicts," the motion was negatived, and a resolution adopted, which was subsequently reduced to the following form: — "That, in the opinion of this Council, the 47th clause of the Act of the Imperial Parliament, 5 and 6 Victoriæ Reginæ, cap. 76, distinctly exempts the colonial revenue from all expenses of Police, connected with the Convict Establishment, and implicitly sanctions their payment from the Military Chest; and this Council, therefore, adheres to the resolution passed on the 11th inst. in reference to the support of convicts in gaols in this colony."

This resolution having been communicated to his Excellency, a few days afterwards a message was received by the Council, in which the Governor stated, that the question depended on the meaning attached to the phrase in the 47th clause of the Act, "*exclusive of the Convict Establishment*."

"The Convict Establishment of New S

Wales," observes his Excellency, "in the most comprehensive sense of the expression, includes all separate establishments which are supported out of funds voted from year to year by Parliament, such as those at Norfolk Island, Cockatoo Island, and Hyde Park Barracks; also the Female Factory, the Convict Hospitals, the Treadmill, the Ironed Gangs, and some few others of minor importance; but her Majesty's government has, for several years past, refused to recognize the gaols or police of the colony as parts of the Convict Establishment, the expences of which ought to be defrayed out of parliamentary funds; and I am forced to add, that, had the intention of the 47th clause of the recent Act of Parliament been such as it is taken to be by the Council, I cannot doubt that I should have had some instructions from her Majesty's government, with respect to the important changes which it would effect in the financial arrangements of the colony, and of the Military Chest. No such Instructions, however, have been received by me; and I have, consequently, no authority whatever to make any payment out of the Military Chest, on account of the police or gaols of the colony."

Unemployed Labourers, November 16. On the motion of the Colonial Secretary, [illegible] notice, the Council went into

* The 39th Standing Order [illegible] matters connected with [illegible] Committee of the whole [illegible]

sider the expediency of appropriating a sum of money to enable a number of unemployed married labourers, at present in Sydney, to proceed with their families to the country districts where they may find employment. The Chairman reported the following resolution:—"Resolved, That a sum not exceeding £500 be appropriated to enable a number of the unemployed married labourers, at present in Sydney, to proceed with their families to the districts of Moreton Bay, Hunter's River, Bathurst, Goulburn, Yass, Illawarra, and other country districts where they are likely to find employment." This resolution was unanimously adopted by the House; and it is satisfactory to state, that, though the sum involved was considerably less than the sum previously voted, for providing employment for distressed operatives, yet the relief afforded was far more effectual, many of the parties sent into the interior by the means so judiciously voted by the Council, having been enabled to provide a comfortable support for their families in the less populous districts, which they had failed to procure in the busy and densely inhabited metropolis.

Upset price of Crown Lands, December 15.—A Select Committee appointed at an earlier period of the session, having brought up their report, Mr. Murray moved that the following resolutions founded on the Report, be adopted by the House. The resolutions were moved *seriatim*, and debate ensued on some of them, so that they were not proposed on the same day.

1st. "That the waste lands of this colony constitute an important element of national wealth, which must lie dormant and unproductive, until brought under occupancy or cultivation." (Carried).

2nd. "That immigration to this colony—the extension of its population—and the occupation of its territory, are, and must continue to be, seriously checked and retarded, so long as 20*s*. an acre shall be, either by law or regulation, the minimum upset price of waste lands in the colony." (Carried.)

3rd. "That the value of land must depend upon the return or profit derivable from it; and that a minimum price of 20*s*. an acre, so far exceeds all attainable profits, in most instances, that it virtually amounts to a prohibition upon sales." (Carried).

4th. "That, as land is diversified in quality, so must it vary in value; and, therefore, that a uniform minimum price, is inapplicable to a whole territory, unless it be so low as to be merely commensurate with the value of inferior tracts, leaving the selling prices of richer parts to be determined by public competition." (Carried.)

5th. "That the waste lands should be made means of introducing immigrants, by allowing remission in the purchase of country lands to arrived settlers, in proportion to the cost of their own passages, those of their own families, and number of labourers they bring into the and that such remission should be at the

£80 for every cabin, £40 for every intermediate, and £25 for every steerage passenger, with a proportionate allowance for children, according to the Bounty System, or the Passengers Act." (Carried.)

6th. "That an Address be presented to his Excellency, the Governor, requesting him to forward these resolutions, together with copies of the report and evidence, to the Right Honourable the Secretary of State, for the information of her Majesty and both Houses of Parliament." (Carried.)

It is, perhaps, unnecessary to observe, that besides the various resolutions which have been quoted as having been adopted by the House, or, at least, moved, many other sets of resolutions were announced for motion, which were subsequently withdrawn. As the object of the section is to record *the bonâ fide business* of the Council, it has not been considered necessary to allude to mere "notices of motion."

END OF VOL. I.

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